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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

JASON KANDER

SECRETARY OF STATE

MISSOURI REGISTER

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IN THIS ISSUE:

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
June 3, 2013	**July 1, 2013**	July 31, 2013	August 30, 2013
June 17, 2013	**July 15, 2013**	July 31, 2013	August 30, 2013
July 1, 2013	**August 1, 2013**	August 31, 2013	September 30, 2013
July 15, 2013	**August 15, 2013**	August 31, 2013	September 30, 2013
August 1, 2013	**September 3, 2013**	September 30, 2013	October 30, 2013
August 15, 2013	**September 16, 2013**	September 30, 2013	October 30, 2013
September 3, 2013	**October 1, 2013**	October 31, 2013	November 30, 2013
September 16, 2013	**October 15, 2013**	October 31, 2013	November 30, 2013
October 1, 2013	**November 1, 2013**	November 30, 2013	December 30, 2013
October 15, 2013	**November 15, 2013**	November 30, 2013	December 30, 2013
November 1, 2013	**December 2, 2013**	December 31, 2013	January 30, 2014
November 15, 2013	**December 16, 2013**	December 31, 2013	January 30, 2014
December 2, 2013	**January 2, 2014**	January 29, 2014	February 28, 2014
December 16, 2013	**January 15, 2014**	January 29, 2014	February 28, 2014
January 2, 2014	**February 3, 2014**	February 28, 2014	March 30, 2014
January 15, 2014	**February 18, 2014**	February 28, 2014	March 30, 2014

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

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PS Form **3526**, September 2007 *(Page 2 of 3)*

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance

EMERGENCY RULE

8 CSR 10-3.150 Fraud Penalties on Federal and State Benefits

PURPOSE: This rule implements an amendment to the federal Social Security Act made by Section 251 of the federal Trade Adjustment Assistance Extension Act of 2011, Public Law No. 112-40, mandating that states assess a monetary fraud penalty on both state and federal unemployment benefits in an amount of not less than fifteen percent (15%) of the amount of the fraudulent payments and that the money thereby collected be deposited into the state's unemployment compensation fund.

EMERGENCY STATEMENT: This rule implements amendments to the federal Social Security Act mandating that the state assess a monetary fraud penalty on both state and federal unemployment benefits in an amount of fifteen percent (15%) of the amount of the fraudulent payments and that the money thereby collected be deposited into the state's unemployment compensation fund. On October 21, 2011, President Obama signed the Trade Adjustment Assistance Extension Act of 2011 (TAAEA), Public Law No. 112-40. Section 251 of the TAAEA requires state unemployment compensation laws to impose a minimum fifteen percent (15%) monetary penalty on claimants who fraudulently receive state or federal unemployment benefits and requires the fifteen percent (15%) penalty to be deposited into the state's unemployment compensation fund. TAAEA became effective October 21, 2011, and states are required to incorporate the fraud penalty provisions of its Section 251 into their unemployment insurance programs by October 21, 2013. The United States Department of Labor issued preliminary guidance to the states regarding the TAAEA amendments on December 20, 2011, in Unemployment Insurance Program Letter (UIPL) No. 02-12, and more detailed guidance on August 7, 2012, in Change 1 to UIPL No. 02-12. House Bill No. 611, introduced into the General Assembly on February 14, 2013, incorporated proposed amendments to the Employment Security Law, Chapter 288, RSMo, to meet the federal mandates of TAAEA. HB 611 was truly agreed to and finally passed by the General Assembly on May 17, 2013, and delivered to the governor on May 30, 2013. On July 2, 2013, the governor vetoed HB 611, as discussed in the veto message, due to the inclusion of a provision unrelated to those implementing the TAAEA federal mandates.

Now this rule will implement the federally mandated provisions by clarifying that the fraud penalty provisions of subsection 9 of section 288.380, RSMo, apply to both federal and state unemployment benefits and providing that fifteen percent (15%) of the amount of fraudulent payments be deposited into the state unemployment compensation fund.

If Missouri fails to incorporate the mandatory federal provisions concerning fraud penalties into its unemployment insurance program, the state will be out of conformity with federal law. The Secretary of the United States Department of Labor could initiate conformity proceedings to deny certification of the state's unemployment insurance program. As a result of such action by the Secretary of the United States Department of Labor, the state of Missouri would lose approximately $46 million in federal funds to administer its unemployment insurance program and approximately $13 million in federal funds used for employment services and employee training programs. Missouri employers would also lose their credits against their federal unemployment tax liabilities, costing them an estimated $859 million per year. Additionally, the state of Missouri would lose its ability to borrow from the federal government to maintain the solvency of the state's unemployment compensation fund. Currently, the state of Missouri does not have sufficient general revenue to compensate for this loss of federal funding. Therefore, if the Secretary of the United States Department of Labor denies certification of Missouri's unemployment insurance program, this vital program would cease to function. Unemployed Missouri workers would not receive needed unemployment benefit payments and Missouri employers would pay millions of dollars in additional federal unemployment taxes.

The employment security law was enacted to combat the economic insecurity created by unemployment. In section 288.020, RSMo, the Missouri Legislature set forth the public policy behind the employment security law. That section states:

> *As a guide to the interpretation and application of this law, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state resulting in a public calamity. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own.*

Additionally, the expressly stated policy of the Missouri Employment Security Law is to comply with the minimum standards of the Social Security Act and the Federal Unemployment Tax Act. Section 288.390, RSMo, states:

If the Federal Unemployment Tax Act, the Federal Social

Security Act or other related federal laws are amended to provide minimum standards for the payment of unemployment benefits, such standards shall become a part of this law to the extent necessary to entitle employers subject to this law to claim the maximum allowable credit against the federal unemployment tax. The provisions of this section shall be implemented by regulation by the division.

The federal mandate that states assess a monetary penalty on both state and federal unemployment benefits obtained through fraud is set forth in the federal Social Security Act (42 U.S.C. section 503). Section 288.390, RSMo, specifically provides that such mandatory federal "standards shall become a part of this [Employment Security] law to the extent necessary to entitle employers subject to this law to claim the maximum allowable credit against the federal unemployment tax." Furthermore, the Division of Employment Security is required to implement such federal standards by regulation. Id.

This rule must be implemented immediately to avoid conformity proceedings to deny certification of the Missouri unemployment insurance program by the United States Secretary of Labor. As a result, the Division of Employment Security finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Division of Employment Security believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 22, 2013, becomes effective October 1, 2013, and expires March 29, 2014.*

(1) Any individual who receives state or federal unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose any material fact, or by intentionally offering misleading information, has committed fraud and such individual shall be assessed a penalty as provided in subsection 9 of section 288.380, RSMo.

(2) With regard to payments made toward a penalty amount assessed pursuant to subsection 9 of section 288.380, RSMo, an amount equal to fifteen percent (15%) of the total amount of benefits fraudulently obtained shall be immediately deposited into the state's unemployment compensation fund, and the remaining penalty amount shall be credited to the special employment security fund.

AUTHORITY: sections 288.220 and 288.390, RSMo 2000. Emergency rule filed Aug. 22, 2013, effective Oct. 1, 2013, expires March 29, 2014. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 4—Unemployment Insurance

EMERGENCY RULE

8 CSR 10-4.210 Prohibition on the Non-Charging of Benefits

PURPOSE: This rule implements an amendment to the Federal Unemployment Tax Act made by Section 252 of the federal Trade Adjustment Assistance Extension Act of 2011, Public Law No. 112-40, mandating that states prohibit the non-charging of certain overpaid unemployment benefits to employers' separate experience rating accounts.

EMERGENCY STATEMENT: This rule implements an amendment to the Federal Unemployment Tax Act mandating that states prohibit the non-charging of certain overpaid unemployment benefits to employers' separate experience rating accounts. On October 21, 2011, President Obama signed the Trade Adjustment Assistance Extension Act of 2011 (TAAEA) Public Law No. 112-40. Section 252 of the TAAEA requires state unemployment compensation laws to provide that an employer's separate experience rating account shall not be relieved of charges relating to a payment from the state's unemployment compensation fund if the employer or employer's agent was at fault for failing to timely or adequately respond to a request for information relating to the claim for unemployment benefits and the employer or agent has established a pattern of failing to respond timely or adequately to such requests. TAAEA became effective October 21, 2011, and states are required to incorporate the non-charging provisions of its Section 252 into their unemployment insurance programs by October 21, 2013. The United States Department of Labor issued preliminary guidance to the states regarding the TAAEA amendments on December 20, 2011, in Unemployment Insurance Program Letter (UIPL) No. 02-12, and more detailed guidance on August 7, 2012, in Change 1 to UIPL No. 02-12. House Bill No. 611, introduced into the General Assembly on February 14, 2013, incorporated proposed amendments to the Employment Security Law, Chapter 288, RSMo, to meet the federal mandates of TAAEA. HB 611 was truly agreed to and finally passed by the General Assembly on May 17, 2013, and delivered to the governor on May 30, 2013. On July 2, 2013, the governor vetoed HB 611, as discussed in the veto message, due to the inclusion of a provision unrelated to those implementing the TAAEA federal mandates.

Now this rule will implement the federally mandated provisions by prohibiting the non-charging of overpaid unemployment benefits if the employer or employer's agent was at fault for failing to timely or adequately respond to a request for information relating to the claim for unemployment benefits and the employer or agent has established a pattern of failing to respond timely or adequately to such requests.

If Missouri fails to incorporate this mandatory federal provision prohibiting the non-charging of certain overpaid unemployment benefits, the state will be out of conformity with federal law. The Secretary of the United States Department of Labor could initiate conformity proceedings to withhold the certification that permits all contributing Missouri employers to take the additional credit provided for in 26 U.S.C. section 3302(b) against their federal unemployment tax liabilities. If Missouri contributing employers were to lose their additional credits against their federal unemployment tax liabilities, they would pay an additional federal unemployment tax estimated at $94.7 million in 2013; $45.7 million in 2014; $27.1 million in 2015; and $316.9 million in 2016 and each year following.

The expressly stated policy of the Missouri Employment Security Law is to comply with the minimum standards of the Social Security Act and the Federal Unemployment Tax Act. The Missouri Legislature set forth that policy in section 288.390, RSMo. That section states:

> *If the Federal Unemployment Tax Act, the Federal Social Security Act or other related federal laws are amended to provide minimum standards for the payment of unemployment benefits, such standards shall become a part of this law to the extent necessary to entitle employers subject to this law to claim the maximum allowable credit against the federal unemployment tax. The provisions of this section shall be implemented by regulation by the division.*

The mandatory standard prohibiting the non-charging of certain overpaid benefits is set forth in the Federal Unemployment Tax Act (26 U.S.C. section 3303). Section 288.390, RSMo, specifically provides that such mandatory federal "standards shall become a part of this [Employment Security] law to the extent necessary to entitle employers subject to this law to claim the maximum allowable credit against the federal unemployment tax." Furthermore, the Division of Employment Security is required to implement such federal standards by regulation. Id.

This rule must be implemented immediately to avoid conformity proceedings by the United States Secretary of Labor to withhold the

*certification that permits all contributing Missouri employers to take the additional credit provided for in 26 U.S.C. section 3302(b) against their federal unemployment tax liabilities. As a result, the Division of Employment Security finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Division of Employment Security believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 22, 2013, becomes effective October 1, 2013, and expires March 29, 2014.*

(1) No employer's account shall be relieved of charges relating to a payment that was erroneously made from the unemployment compensation fund if the division determines that—

(A) The erroneous payment was made because the employer or an agent of the employer was at fault for failing to respond timely or adequately to a written request from the division for information relating to a claim for unemployment benefits; and

(B) The employer or an agent of the employer has established a pattern of failing to respond timely or adequately to requests made under subsection (A) of this section.

(2) For the purpose of this rule, the following terms shall mean:

(A) "Adequately," responses to requests for information must include sufficient facts for the deputy to reach the conclusion ultimately and finally made in regard to the claim;

(B) "Erroneous payment," a payment that, but for the failure by the employer or the agent of the employer to respond timely and adequately to a written request from the division for information with respect to the claim for unemployment benefits, would not have been made;

(C) "Pattern of failing," repeated documented failure on the part of the employer or the agent of the employer to respond, taking into consideration the number of instances of failure in relation to the total volume of requests. An employer or an agent of the employer failing to respond as described under subsection (1)(A) of this rule shall not be determined to have engaged in a pattern of failure if the number of the failures during the year prior to the request is fewer than two (2) or less than two percent (2%) of the requests, whichever is greater; and

(D) "Timely," information must be postmarked or received by the division on or before the date provided in the request for information.

(3) For good cause shown, the employer or employer agent shall be excused from timely or adequately responding to a written request for information. For purposes of this rule, good cause shall be limited only to those circumstances that are wholly beyond the control of the employer or employer agent and then only if the employer or employer agent acts as soon as possible. The employer or employer agent shall bear the burden of proving good cause to the satisfaction of the division.

(4) Determinations by the division prohibiting the relief of charges under this rule shall be subject to appeal or protest as other determinations of the division with respect to the charging of employer accounts.

(5) This rule shall apply to erroneous payments established on or after October 1, 2013.

*AUTHORITY: sections 288.220 and 288.390, RSMo 2000. Emergency rule filed Aug. 22, 2013, effective Oct. 1, 2013, expires March 29, 2014. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

EMERGENCY RULE

11 CSR 75-17.010 Minimum Training Standards for School Protection Officer Training Centers

PURPOSE: This rule details the minimum training standards for School Protection Officer Training Centers.

EMERGENCY STATEMENT: This rule sets out the minimum training requirements for school protection officer training centers.

CCS/HCS/SCS/SB 42 (2013) takes effect on August 28, 2013. Subsection 1 of section 595.205 of this legislation provides that: "The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs." Subsection 2 of section 595.205 requires the director of the department of public safety to " . . . make this approved list available to every school district in the state."

As schools are now open for the current school year, school districts opting to authorize school protection officers to provide additional security in their schools need direction as to which training centers and programs are approved to deliver school protection officer training.

This emergency rule identifies those basic training centers and continuing law enforcement education providers approved to provide school protection officer training. This emergency rule provides school districts necessary guidance to identify which training centers or programs in their area may be available to provide this training.

This rule has been drafted with the input and guidance from experts in the law enforcement community, including the Missouri Sheriffs' Association and Missouri Police Chiefs' Association, whose members regularly work with schools to enhance school safety measures. This rule was approved by the Peace Officers Standards and Training Commission at a special meeting held on August 15, 2013.

*For the above reasons, the Department of Public Safety finds a compelling governmental interest exists which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 23, 2013, becomes effective September 2, 2013, and expires February 28, 2014.*

(1) Only those basic training centers licensed pursuant to 11 CSR 75-14.010–14.080, and those Continuing Law Enforcement Education providers licensed pursuant to 11 CSR 75-15.030, shall be approved to deliver the School Protection Officer Training Program.

*AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

EMERGENCY RULE

11 CSR 75-17.020 Minimum Training Standards for School Protection Officer Training Instructors

PURPOSE: This rule details the minimum training standards for School Protection Officer Training Instructors.

EMERGENCY STATEMENT: This rule sets out the minimum training requirements for school protection officer training instructors.

CCS/HCS/SCS/SB 42 (2013) takes effect on August 28, 2013. Subsection 1 of section 595.205 of this legislation provides that: "The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs." Subsection 2 of section 595.205 requires the director of the Department of Public Safety to " . . . make this approved list available to every school district in the state."

As schools are now open for the current school year, school districts opting to authorize school protection officers to provide additional security in their schools need direction as to which instructors are approved to deliver school protection officer training.

This emergency rule identifies those instructors who are approved as basic training instructors to provide school protection officer training. This emergency rule provides school districts as well as basic training centers and continuing education programs necessary guidance to identify which instructors may be available to provide this training.

This rule has been drafted with the input and guidance from experts in the law enforcement community, including the Missouri Sheriffs' Association and Missouri Police Chiefs' Association, whose members regularly work with schools to enhance school safety measures. This rule was approved by the Peace Officers Standards and Training Commission at a special meeting held on August 15, 2013.

*For the above reasons, the Department of Public Safety finds a compelling governmental interest exists which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 23, 2013, becomes effective September 2, 2013, and expires February 28, 2014.*

(1) Only those instructors licensed as basic training instructors pursuant to 11 CSR 75-14.050(3), 11 CSR 75-14.070, and 11 CSR 75-14.080, shall be approved to deliver the School Protection Officer Training Program.

*AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

EMERGENCY RULE

11 CSR 75-17.030 Minimum Training Standards for School Protection Officers

PURPOSE: This rule details the minimum training standards for School Protection Officers.

EMERGENCY STATEMENT: This rule sets out the minimum training requirements for school protection officers.

CCS/HCS/SCS/SB 42 (2013) takes effect on August 28, 2013. Subsection 1 of section 595.205 of this legislation provides that: "The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs."

As schools are now open for the current school year, school districts opting to authorize school protection officers to provide additional security in their schools need direction as to the standards those individuals must satisfy to be designated school protection officers.

This emergency rule would authorize an individual who has already been issued a Class A peace officer license or has successfully graduated from a licensed Missouri basic training center and completed six hundred (600) hours of basic law enforcement training to be designated as a school protection officer – see 11 CSR 75-17.030(1)(B) and (C). A district designating one (1) of these individuals as a school protection officer will be able to do so without having to wait for the regular rulemaking process to run its course. This will allow a school district to act as quickly as necessary to designate a school protection officer during the fall semester because that officer has already satisfied the necessary training requirements.

For a school district designating a current teacher or staff member as a school protection officer, that school district needs guidance on the necessary training standards for those officers as early in the school year as possible because each school protection officer that is not already a licensed peace officer or a graduate of a police training academy must complete certain training requirements. This emergency rule provides guidance for those districts to determine which employees are able to complete the necessary training and the specific training required.

This rule has been drafted with the input and guidance from experts in the law enforcement community, including the Missouri Sheriffs' Association and Missouri Police Chiefs' Association, whose members regularly work with schools to enhance school safety measures. This rule was approved by the Peace Officers Standards and Training Commission at a special meeting held on August 15, 2013.

*For the above reasons, the Department of Public Safety finds a compelling governmental interest exists which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 23, 2013, becomes effective September 2, 2013, and expires February 28, 2014.*

(1) Applicants seeking to be designated a School Protection Officer, pursuant to section 590.205, RSMo, must—

(A) Successfully complete a one hundred twelve (112) hour School Protection Officer Training Program; or

(B) Successfully graduate from a Missouri basic training center licensed pursuant to 11 CSR 75-14.010, having completed a minimum of six hundred (600) hours of basic law enforcement training certified pursuant to 11 CSR 75-14.040; or

(C) Have been issued a Class A peace officer license under the Veteran Peace Officer Police Scale pursuant to 11 CSR 75-13.060.

(2) Applicants who have had their peace officer license revoked are not eligible to be designated a School Protection Officer.

(3) The one hundred twelve (112) hours of instruction for School Protection Officers is derived, in part, from the mandatory learning objectives for the six-hundred (600) hour basic training curriculum outlined in 11 CSR 75-14.030, and shall cover the following subject areas:

(A) 303 - Justification - Use of Force - 8 hours
(B) 809 - Emergency Response/Building Searches - 9 hours
(C) 812 - Survival Mentality - 4 hours
(D) 1502 - Handcuffing and Restraint Devices - 4 hours
(E) 1506 - Weapons Retention and Disarming - 8 hours
(F) 1507 - Ground Fighting Techniques - 8 hours
(G) 1601 - Fundamentals of Marksmanship - 2 hours
(H) 1602 - Shooting Stance/Loading/Dry Fire - 4 hours
(I) 1603 - Skill Development - Handgun - 22 hours
(J) 1604 - Handgun Qualification - 4 hours
(K) 1608 - Stress Combat Courses - 8 hours
(L) 1610 - Shooting Decisions - 6 hours
(M) Basic First Aid/CPR - 8 hours
(N) Combat First Aid - 4 hours
(O) Practical Application Scenarios - 13 hours

(4) To be eligible for graduation from the School Protection Officer Training Program, trainees shall—

(A) Be tested for mastery of each subject area. A written or practical examination may test more than one (1) subject area simultaneously.

1. A trainee who achieves less than seventy percent (70%) on any written examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, retake the examination one (1) time.

2. Mastery of firearms shall be tested by practical examination and scored on a numerical scale from zero (0) to one hundred (100). Supplemental written examinations are permitted, but the overall firearms score required for graduation pursuant to paragraph (4)(C)4. of this rule shall be based solely upon the practical examinations. The final grade of the firearms practical examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, be recorded as a pass or fail.

3. Mastery of any training subject areas requiring a trainee to perform a demonstrative skill, including Practical Application Scenarios, shall be tested by practical examination and may be graded on a numerical scale from zero (0) to one hundred (100) or on a pass/fail basis.

A. A trainee who achieves a failing score on an objective graded pass/fail basis may, at the discretion of the training center director or Continuing Law Enforcement Education provider, reattempt the objective one (1) time.

B. A trainee who achieves less than seventy percent (70%) on the firearms practical examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, retake the practical examination one (1) time. The highest score that may be awarded on a retake examination is seventy percent (70%).

C. The determination to grade an objective pass/fail shall be made before the start of the training course.

(B) Attend at least ninety-five percent (95%) of the total contact hours of the mandatory basic training curriculum and make up any missed hours in a manner that ensures that the trainee develops a thorough understanding of the mandatory learning objectives that were missed.

(C) Achieve—

1. A score of no less than seventy percent (70%) on each written exam;

2. A final, overall score of no less than seventy percent (70%) for all written exams;

3. A passing score on each objective graded pass or fail; and

4. An overall firearms score of no less than seventy percent (70%).

AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

EMERGENCY RULE

11 CSR 75-17.040 Minimum Continuing Education Training Standards for School Protection Officers

PURPOSE: This rule details the minimum continued training standards for School Protection Officers.

EMERGENCY STATEMENT: This rule sets out the minimum continuing education requirements for school protection officers.

CCS/HCS/SCS/SB 42 (2013) takes effect on August 28, 2013. Subsection 1 of section 595.205 of this legislation provides that: "The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs."

As schools are now open for the current school year, school districts opting to authorize school protection officers to provide additional security in their schools need direction as to the standards those individuals must satisfy to be designated school protection officers, including any continuing education and testing requirements.

This emergency rule would authorize an individual who has already been issued a Class A peace officer license or has successfully graduated from a licensed Missouri basic training center and completed six hundred (600) hours of basic law enforcement training to be designated as a school protection officer – see 11 CSR 75-17.030(1)(B) and (C). A district designating one (1) of these individuals as a school protection officer will be able to do so without having to wait for the regular rulemaking process to run its course. This will allow a school district to act as quickly as necessary to designate a school protection officer during the fall semester because that officer has already satisfied the necessary training requirements.

For a school district designating a current teacher or staff member as a school protection officer, that school district needs guidance on the necessary training standards for those officers as early in the school year as possible because each school protection officer that is not already a licensed peace officer or a graduate of a police training academy must complete certain training requirements. This emergency rule provides guidance for those districts to determine which employees are able to complete the necessary training and the specific training required.

This rule has been drafted with the input and guidance from experts in the law enforcement community, including the Missouri Sheriffs' Association and Missouri Police Chiefs' Association, whose members regularly work with schools to enhance school safety measures. This rule was approved by the Peace Officers Standards and Training Commission at a special meeting held on August 15, 2013.

For the above reasons, the Department of Public Safety finds a compelling governmental interest exists which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 23, 2013, becomes effective September 2, 2013, and expires February 28, 2014.*

(1) To maintain their designation, School Protection Officers shall—

(A) Successfully complete a minimum of twelve (12) hours of annual training. Eight (8) hours of this training shall have a primary focus of responding to active school shootings and shall be delivered by a local, county, or state law enforcement officer qualified to offer a response to active shooter course and who is in possession of a

valid peace officer license. The remaining four (4) hours of training shall have a primary focus of weapon retention, firearms skill development, defensive tactics, ground fighting, and handcuffing and restraint devices. The four (4) hours of training shall be delivered by a local, county, or state law enforcement officer qualified to offer this type of training and who is in possession of a valid peace officer license.

(B) On a quarterly basis, successfully complete a firearm qualification course using the same firearm used in the performance of their duties as a School Protection Officer. This course can be delivered by any local, county, or state law enforcement officer qualified to offer a firearm qualification course and who is in possession of a valid peace officer license.

(C) Maintain a secondary/third-party First Aid/CPR certification.

(2) Written documentation of the completion of the twelve (12) hours of annual training, successful quarterly firearm qualification, and a current copy of his/her secondary/third-party First Aid/CPR certification must be maintained by the school where the School Protection Officer is employed for a period of three (3) years from the date the training, qualifications, and certifications were successfully completed.

AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle

EMERGENCY RULE

12 CSR 10-23.500 Optional Second Plate for Commercial Motor Vehicles

PURPOSE: This rule establishes how the Department of Revenue will distinguish the optional second license plate for commercial motor vehicles and sets the fee authorized by section, 301.130, RSMo, as amended by House Committee Substitute for House Bill 349, enacted by the 97th General Assembly, 2013.

EMERGENCY STATEMENT: This emergency rule establishes how the Department of Revenue will provide for a distinguishing mark on the commercial motor vehicle license plates indicating one (1) plate is for the front and the other is for the rear of the vehicle, and sets the fee to be charged for the optional second plate as provided in section 301.130, RSMo, as amended by House Committee Substitute for House Bill 349, enacted by the 97th General Assembly, that becomes effective August 28, 2013. The department has communicated with the Missouri State Highway Patrol to ensure the distinguishing mark and its placement meets their needs for enforcement provisions. As the distinguishing mark and fee prescribed in this rulemaking must be applied to comply with the requirements of HB 349, the department finds a compelling governmental interest for this emergency action. Failing to enact the requirements of this emergency rulemaking by the effective date of HB 349 will decrease public awareness in knowing what is required when the law becomes effective on August 28, 2013. A proposed rule that covers the same material is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Department of Revenue believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 19, 2013, becomes effective August 29, 2013, and expires February 27, 2014.*

(1) When a person registers a property-carrying commercial motor vehicle licensed in excess of twelve thousand (12,000) pounds and requests two (2) license plates, the director of revenue shall issue a second plate to be attached to the rear of the vehicle. The rear plate shall contain a sticker in the upper right corner to distinguish the difference between the front and rear plate and to alert law enforcement that the owner is required to have two (2) license plates.

(2) The fee for the optional second license plate for a commercial motor vehicle is eight dollars and fifty cents ($8.50).

AUTHORITY: section 301.130, HCS for HB 349, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 19, 2013, effective Aug. 29, 2013, expires Feb. 27, 2014. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program

EMERGENCY AMENDMENT

13 CSR 70-10.160 Public/Private Long-Term Care Services and Supports Partnership Supplemental Payment to Nursing Facilities. The division is amending the purpose statement and section (1).

PURPOSE: This amendment changes the purpose statement and revises section (1) to be consistent with the Medicaid State Plan Amendment approved by the Centers for Medicare and Medicaid Services (CMS).

PURPOSE: This rule implements a supplemental payment program for qualifying private ***and public*** *nursing facilities****. [which enter into a Low Income and Needy Care Collaboration Agreement with public nursing facilities. The collaboration agreement establishes a partnership between the state, privately owned long-term care facilities, and entities administering publicly funded long-term care related services, such as county nursing homes.]***

EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division, by rule and regulation, must make supplemental payments to qualifying private and public nursing facilities. A supplemental payment will be made for each following calendar quarter from the Long-Term Support UPL Fund to qualifying private and public nursing facilities for services rendered during the quarters after April 1, 2012. The purpose of the supplemental payments is to enhance the ability of the nursing facilities to provide quality nursing facility services to those members of the community who require such services and to ensure that there is adequate access to quality nursing facility services in all regions of the State of Missouri.

Amendments to the currently published regulations are needed to identify both qualifying private and public nursing facilities as being eligible to receive the quarterly supplemental payments. In addition, the methodology of the payment calculations needs to be clarified within the regulations. After receiving federal approval in July, 2013 to begin making the supplemental payments, MO HealthNet is ready to begin making the supplemental payments immediately. In order to do that, the regulations must be amended with the language included below. This emergency amendment needs to be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to MO HealthNet participants in nursing facilities that qualify for the supplemental payments during state fiscal year 2014 and thereafter in accordance with the published regulations and in

compliance with the approved State Plan Ammendment. If the emergency amendment is not implemented, the delay in supplemental payments would create a severe financial hardship for several nursing facilities participating in the supplemental payment program. Such financial hardships could result in reduced access to quality nursing facility services and potential harm to nursing facility residents. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended by the ***Missouri*** *and* ***United States Constitutions****. The MO HealthNet Division believes this emergency rule is fair to all interested persons and parties under the circumstances This emergency rule was filed August 28, 2013, becomes effective September 7, 2013, and expires March 5, 2014.*

(1) Effective for dates of service on or after April 1, 2012, supplemental payments will be made in each following calendar quarter from the Long-Term Support UPL Fund to qualifying private **and public** nursing facilities for services rendered during **the** quarter on or after April 1, 2012. Maximum *[aggregate]* payments to all qualifying private **and public** nursing facilities shall not exceed the upper payment limit defined in 42 CFR 447.272 in each state fiscal year.

(A) Qualifying Criteria. **The nursing facilities named in section (13) (E) 7. of the Medicaid State Plan are eligible for the Partnership Supplemental Payment and shall be referred to as qualifying nursing facilities. In addition,** *[T]*to qualify for the supplemental payment*[s]*, a private **or public** nursing facility must be enrolled in MO HealthNet *[and be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement and signed a Certification of Nursing Facility Participation. The state or local governmental entity includes governmentally-supported nursing facilities.]* **at the time the supplemental payment is calculated and made.**

1. A private nursing facility is defined as being owned and operated by a private entity.

2. *[A Low Income and Needy Care Collaboration Agreement is defined as an agreement between a private nursing facility and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.]* **A public nursing facility is defined as being owned or operated by a public entity.**

[3. A Certification of Nursing Facility Participation is defined as a certification by the private or public nursing facility of their compliance with state and federal requirements for the program.]

(B) Reimbursement Methodology. Qualifying private **and public** nursing facilities are eligible to receive supplemental payments for nursing facility services. Supplemental payments will be made in each *[following]* calendar quarter after April 1, 2012.

[1. Annual payment distributions shall be limited to the aggregated difference between nursing facilities Medicare equivalent payments as defined in the upper payment limit calculation and Medicaid payments the nursing facilities receive for covered services provided to Medicaid recipients.

2. The time period used in calculating paragraph (1)(B)1. will be the most recent state fiscal year for which data is available for the full fiscal year.]

1. Calculating qualifying nursing facilities quarterly Partnership Supplemental Per Diems—The quarterly per diem amount for each qualifying nursing facility shall be calculated as follows:

A. Dividing the available annual funding listed in section (13)(E)6. of the Medicaid State Plan by the number of quarters in the fiscal period to obtain the quarterly funding amount;

B. Allotment between qualifying publicly owned and qualifying privately owned nursing facilities will be calculated as follows:

(I) The allotment for qualifying publicly owned nursing facilities will be the funding in subparagraph (1)(B)1.A. of this rule multiplied by eighty percent (80%); and

(II) The allotment for qualifying privately owned nursing facilities will be the funding calculated in subparagraph (1)(B)1.A. of this rule multiplied by twenty percent (20%);

C. The public nursing facility per diem is calculated by dividing the amount calculated in part (1)(B)1.B.(I) of this rule by the number of Medicaid paid days from the previous full state fiscal year divided by the four (4) quarters in the year for all qualifying public nursing facilities enrolled in the Medicaid program at the time the supplemental payments are made; and

D. The private nursing facility per diem is calculated by dividing the amount calculated in part (1)(B)1.B.(II) of this rule by the number of Medicaid paid days from the previous full state fiscal year divided by the four (4) quarters in the year for all qualifying private nursing facilities enrolled in the Medicaid program at the time the supplemental payments are made.

2. Calculating qualifying nursing facilities quarterly Partnership Supplemental Payments—The quarterly payment amount for each qualifying nursing facility enrolled in the Medicaid program shall be calculated as follows:

A. Each Medicaid enrolled qualifying nursing facility's Medicaid paid days from the previous full state fiscal year divided by the four (4) quarters in the year shall be multiplied by the Partnership Supplemental Payment per diem calculated in subparagraph (1)(B)1.C. of this rule for qualifying public nursing facilities and subparagraph (1)(B)1.D. of this rule for qualifying private nursing facilities to obtain each qualifying nursing facility's quarterly amount.

3. The time period used in calculating paragraphs (1)(B)1. and 2. of this rule will be the most recent state fiscal year for which data is available for the full fiscal year.

(C) Payment Limitations.

1. Public Nursing Facilities - Annual payment distributions for all qualifying individual public nursing facilities enrolled in the Medicaid program shall be limited to the qualifying individual public nursing facility's annual amount of unreimbursed Medicaid costs.

2. Private Nursing Facilities - Annual payment distributions for all qualifying private nursing facilities enrolled in the Medicaid program shall be limited to the difference between the qualifying nursing facility's Medicare equivalent payments as determined in the Medicare upper payment limit calculation and Medicaid payments the qualifying nursing facility receives for covered services provided to Medicaid recipients.

3. Any amount over the payment limitation for a qualifying individual nursing facility will be distributed to qualifying nursing facilities enrolled in the Medicaid program that have not reached their payment limitations as follows:

A. If any qualifying public nursing facility reaches its limitation described in paragraph (1)(C)1. above—

(I) The amount exceeding the limitation will be divided by the Medicaid days for the qualifying public nursing facilities enrolled in the Medicaid program within the pool that have not exceeded their limitations to obtain an additional Partnership Supplemental Payment Per Diem;

(II) This additional per diem will be paid to each qualifying public nursing facility enrolled in the Medicaid program that has not exceeded its limitation by multiplying the facility's Medicaid days by the per diem calculated in part (1)(C)3.A.(I) of this rule;

(III) The calculation in parts (1)(C)3.A.(I) and (II) of this rule will be repeated until the entire amount allocated to qualifying public nursing facilities enrolled in the Medicaid program has been expended or all of the qualifying public facilities enrolled in the Medicaid program have reached their limits as specified in paragraph (1)(C)1. of this rule; and

(IV) If any funding amount from the public allocation remains, it will be used to make Partnership Supplemental Payments to qualifying private nursing facilities enrolled in the Medicaid program.

B. If any qualifying private nursing facility reaches its limitation described in paragraph (1)(C)2. above—

(I) The amount exceeding the limitation will be divided by the Medicaid days for the qualifying private nursing facilities enrolled in the Medicaid program within the pool that have not exceeded their limitations to obtain an additional Partnership Supplemental Payment Per Diem;

(II) This additional per diem will be paid to each qualifying private nursing facility enrolled in the Medicaid program that has not exceeded its limitation by multiplying the facility's Medicaid days by the per diem calculated in part (1)(C)3.B.(I) of this rule;

(III) The calculation in parts (1)(C)3.B.(I) and (II) of this rule will be repeated until the entire amount allocated to qualifying private nursing facilities has been expended or all of the qualifying private facilities have reached their limits as specified in paragraph (1)(C)2. of this rule; and

(IV) Any remaining funding from the private allocation will be used to make Partnership Supplemental Payments to public nursing facilities.

C. Any remaining quarterly funding from either pool that cannot be paid due to payment limitations will be used in the reconciliation process described in subsection (1)(D) of this rule.

4. The time period used in calculating subsection (1)(C) of this rule will be the most recent state fiscal year for which data is available for the full fiscal year.

(D) Partnership Supplemental Payment Reconciliation - Prior to making payments each quarter, the department will calculate a reconciliation factor by—

1. Determining an amended aggregate payment amount by adjusting the available funding amount by any residual amount from subparagraph (1)(C)3.C. of this rule;

2. Dividing the amount established in paragraph (1)(D)1. of this rule by the original available funding amount to establish the reconciliation factor; and

3. The reconciliation factor from paragraph (1)(D)2. of this rule will be applied to the payments identified in subsection (1)(B) of this rule that are made during that fiscal year unless the department is unable to make the adjustment during the fiscal year due to the timing of the payments. In that case, the payments for the subsequent fiscal year will be adjusted by the difference between the amounts from paragraph (1)(D)1. of this rule and the available annual funding amount listed in section (13)(E)6. of the Medicaid State Plan.

*AUTHORITY: section 208.201, RSMo Supp. [2011] **2012**. Original rule filed Feb. 15, 2012, effective Aug. 30, 2012. Amended: Filed July 1, 2013. Emergency amendment filed Aug. 28, 2013, effective Sept. 7, 2013, expires March 5, 2014.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

EMERGENCY AMENDMENT

15 CSR 30-90.010 Definitions. The division is deleting subsection (1)(G), amending (1)(W), adding (1)(O) and relettering as needed.

PURPOSE: The purpose of this amendment is to update language within the rule to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. Specifically, House Bill 212 amended section 400.9-518, RSMo to change the term "correction statement" to "information statement."

*EMERGENCY STATEMENT: This emergency amendment updates language to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. House Bill 212 was approved by the governor on June 25, 2013 and is effective August 28, 2013. This emergency amendment is necessary as a compelling governmental interest due to the fact that the bill changes the name of a specific filing made by businesses to the Business Services Division of the Secretary of State. This amendment updates this term so that filings can be updated accordingly and consistent with the new law. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Business Services Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 16, 2013, becomes effective August 28, 2013, and expires February 27, 2014.*

(1) As used in this chapter, the following terms mean:

[(G) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed;]

*[(H)]***(G)** "Fees" include all fees required by statute, including fees for the Technology Trust Fund;

*[(I)]***(H)** "File number" shall have the meaning prescribed by section 400.9-519, RSMo;

*[(J)]***(I)** "Filing office" means the appropriate place for filing UCC documents at the Office of the Secretary of State or county recorder of deeds;

*[(K)]***(J)** "Filing officer" means the secretary of state or the county recorders of deeds;

*[(L)]***(K)** "Filing officer statement" means a statement of correction entered into the filing office's information system to correct an error by the filing office;

*[(M)]***(L)** "Financing statement" shall have the meaning prescribed by section 400.9-102, RSMo;

*[(N)]***(M)** "Image" means the image of a document as stored in the UCC information management system;

*[(O)]***(N)** "Individual" means a human being, or a decedent who was a debtor;

(O) "Information statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed;

(W) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a**n** *[correction]* **information** statement and shall not be deemed to refer exclusively to paper or paper-based writing; and

*AUTHORITY: section 400.9-526, RSMo Supp. [2001] **2012**. Original rule filed Sept. 30, 2002, effective March 30, 2003. Emergency amendment filed Aug. 16, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

EMERGENCY AMENDMENT

15 CSR 30-90.090 Refusal to File; Cancellation; Defects in Filing. The division is amending section (8), amending and renumbering current sections (9) and (10), and adding a new section (9).

PURPOSE: The purpose of this amendment is to update language within the rule to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. Specifically, House Bill 212 amended section 400.9-518, RSMo to change the term "correction statement" to "information statement." The bill also expanded the terms under which the secretary of state shall cancel a previously filed record.

EMERGENCY STATEMENT: This emergency amendment updates language to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. House Bill 212 was approved by the governor on June 25, 2013 and is effective August 28, 2013. This emergency amendment is necessary as a compelling governmental interest due to the fact that the bill changes the name of a specific filing made by businesses to the Business Services Division of the Secretary of State and the bill expands the terms under which the Secretary of State shall cancel a previously filed record. This amendment changes that filing name and adds an additional term under which the Secretary of State must cancel a previously filed record in order for the rule to be consistent with the new law. A proposed amendment, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Business Services Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 16, 2013, becomes effective August 28, 2013, and expires February 27, 2014.*

(8) The secretary of state shall cancel a previously filed record if*[:]*—

(A) A**n** *[correction]* **information** statement alleging that a previously filed record was wrongfully filed and that it should have been rejected under section (7) of this rule;

(B) Such *[correction]* **information** statement includes a written certification, under oath, by the person that the contents of the *[correction]* **information** statement are true and accurate to the best of the person's knowledge; and

(9) The secretary of state shall cancel a previously filed record if—

(A) An information statement alleging that the person who filed the record was not entitled to do so under section 400.9-509(d);

(B) The person filing the information statement is a secured party of record with respect to the financing statement to which the record relates;

(C) Such information statement includes a written certification, under oath, by the person that the contents of the information statement are true and accurate to the best of the person's knowledge; and

(D) The secretary of state, without undue delay, determines that the person who filed the contested record was not entitled to do so under section 400.9-509(d) and should have been rejected. In order to determine whether the person who filed the record was not entitled to do so, the secretary of state may require the person filing the information statement and the person who filed the contested record to provide any additional relevant information requested by the secretary of state, including an original or a copy of any security agreement that is related to the record. If the secretary of state finds that the person who filed the record was not entitled to do so, the secretary of state shall cancel the record and it shall be void and of no effect.

*[(9)]***(10)** If the secretary of state cancels a record under section (8) **or (9)**, the secretary shall communicate to the person that presented the record the fact of and reason for the cancellation.

*[(10)]***(11)** If the secretary of state refuses to accept a record for filing pursuant to section (7) of this rule or cancels a wrongfully filed record pursuant to section (8) of this rule**, or cancels a record pursuant to section (9) of this rule**, the secured **or affected** party may file an appeal within thirty (30) days after the refusal or cancellation in the Circuit Court of Cole County.

(A) Filing a petition requesting to be allowed to file the document commences the appeal. The petition shall be filed with the court and the secretary of state and shall have the record attached to it. Upon the commencement of an appeal, it shall be advanced on the court docket and heard and decided by the court as soon as possible.

(B) Upon consideration of the petition and other appropriate pleadings, the court may order the secretary of state to file the record or take other action the court considers appropriate, including the entry of orders affirming, reversing, or otherwise modifying the decision of the secretary of state. The court may order other relief, including equitable relief, as may be appropriate.

(C) The court's final decision may be appealed as in other civil proceedings.

AUTHORITY: section 400.9-526, RSMo Supp. [2001] ***2012****. Emergency rule filed Feb. 10, 2003, effective Feb. 20, 2003, expired March 30, 2003. Original rule filed Sept. 30, 2002, effective March 30, 2003. Emergency amendment filed Aug. 16, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. A proposed amendment covering this same material is published in this issue of the* ***Missouri Register****.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

EMERGENCY AMENDMENT

15 CSR 30-90.170 Status of Parties upon Filing a*n* ***[Correction] Information*** **Statement**. The division is amending the title and sections (1) and (2).

PURPOSE: The purpose of this amendment is to update language within the rule to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. Specifically, House Bill 212 amended section 400.9-518, RSMo to change the term "correction statement" to "information statement."

EMERGENCY STATEMENT: This emergency amendment updates language to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. House Bill 212 was approved by the governor on June 25, 2013 and is effective August 28, 2013. This emergency amendment is necessary as a compelling governmental interest due to the fact that the bill changes the name of a specific filing made by businesses to the Business Services Division of the Secretary of State. This amendment updates this term so that filings can be updated accordingly and consistent with the new law. A proposed amendment, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Business Services Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 16, 2013, becomes effective August 28, 2013, and expires February 27, 2014.*

(1) The filing of a**n** *[correction]* **information** statement shall not affect the status of any party to the financing statement.

(2) A**n** *[correction]* **information** statement shall not affect the status of the financing statement.

AUTHORITY: section 400.9-526, RSMo Supp. [2001] ***2012****. Original rule filed Sept. 30, 2002, effective March 30, 2003. Emergency*

amendment filed Aug. 16, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. A proposed amendment covering this same material is published in this issue of the ***Missouri Register****.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

EMERGENCY AMENDMENT

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations. The Missouri Consolidated Health Care Plan is amending sections (2), (3), (4); and adding section (7).

PURPOSE: This amendment establishes the policy of the board of trustees in regard to the tobacco-free incentive benefit.

EMERGENCY STATEMENT: This emergency amendment must be in place by October 1, 2013, in accordance with open enrollment for the new plan year. Therefore, this emergency amendment is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. In 2013, approximately seventy-six percent (76%) of eligible members received the Tobacco-Free Incentive. Of that seventy-six percent (76%), ninety-four percent (94%) attested to being tobacco-free, and six percent (6%) attested to enroll in a tobacco cessation program. It is imperative that this rule be filed as an emergency amendment in order to maintain the integrity of the current health care plan. This emergency amendment must become effective October 1, 2013, to fulfill the compelling government interest of offering continuous health insurance to officers, state, and public entity employees, retirees, and their families. This emergency amendment reflects changes made to the plan by the MCHCP Board of Trustees. A proposed amendment, which covers the same material, is published in this issue of the ***Missouri Register****. This emergency amendment complies with the protections extended by the* ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed August 23, 2013, becomes effective October 1, 2013, and expires March 29, 2014.*

(2) Limitations and exclusions—The following members are not eligible to participate in the tobacco-free incentive:

(C) *[Medicare or]* TRICARE Supplement Plan terminated vested subscriber;

(D) *[Medicare or]* TRICARE Supplement Plan long-term disability subscriber;

(E) *[Medicare or]* TRICARE Supplement Plan survivor subscriber;

(F) *[Medicare or]* TRICARE Supplement Plan COBRA subscriber;

(G) *[Medicare or]* TRICARE Supplement Plan retiree subscriber;

(H) *[Medicare or]* TRICARE Supplement Plan spouses covered by any other eligible subscriber; and

(3) Incentive Participation Requirement.

(B) To receive the incentive beginning on January 1, *[2013]* **2014**, eligible members must do one (1) of the following:

1. Tobacco-free attestation.

A. The member must complete a tobacco-free attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, *[2012]* **2013**, through November 30, *[2012]* **2013**. The form must be received by November 30, *[2012]* **2013**; or

2. Tobacco cessation program attestation.

A. *[Participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5) and]* **The member must** complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, *[2012]* **2013**, through November 30, *[2012]* **2013**. The form must be received by November 30, *[2012]* **2013**. **The member also must participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).**

(I) If a subscriber and/**or** his/her spouse become and remain tobacco-free three (3) months prior to May 31, *[2013]* **2014**, s/he may continue to receive the incentive through December 31, *[2013]* **2014**, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, *[2013]* **2014**. The form must be received by May 31, *[2013]* **2014**.

(C) *[For a new employee or a]***An** employee adding medical coverage **with an effective date** from *[December]* **November** 1, *[2012]* **2013**, through May *[3]*1, *[2013]* **2014;***[, and his/her spouse to receive the incentive from the employee's effective date of coverage, the employee]* must complete a tobacco-free attestation or tobacco cessation program attestation *[at the time of enrollment]* **within thirty-one (31) days of the subscriber's effective date**. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. **The incentive will start on the subscriber's effective date.** If a subscriber and/or his/her spouse complete the tobacco cessation program attestation and become and remain tobacco-free three (3) months prior to May 31, *[2013]* **2014**, s/he can continue to receive the incentive through December 31, *[2013]* **2014**, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, *[2013]* **2014**. A form must be received by May 31, *[2013]* **2014**.

(D) *[A new]* **An** employee *[and spouse]* adding medical coverage **with an effective date** after May *[3]*1, *[2013]* **2014***[,]* must complete the tobacco-free attestation form to receive the incentive within thirty-one (31) days of *[enrollment]* **the subscriber's effective date**. **A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date.**

(4) MCHCP-approved tobacco cessation programs for a subscriber are—

(A) *[StayWell Tobacco NextSteps: phone coaching (866-564-5235)]* **Tobacco cessation coaching provided by the wellness vendor.**

(B) *[Missouri Tobacco Quitline: 800-QUIT-NOW (800-784-8669)]* **Strive for Wellness tobacco cessation programs (for active employee subscribers only)**; or

(7) Tobacco-free incentive—The tobacco-free incentive is forty dollars ($40) per month per eligible participant.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. Emergency amendment filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Amended: Filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expires March 29, 2014. A proposed amendment covering this same material is published in this issue of the ***Missouri Register****.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

EMERGENCY AMENDMENT

22 CSR 10-2.120 Wellness Program. The Missouri Consolidated Health Care Plan is amending sections (1), (3), (4), (6), and (7).

PURPOSE: This amendment establishes the policy of the board of trustees in regards to the Strive for Wellness program.

EMERGENCY STATEMENT: This emergency amendment must be in place by October 1, 2013, in accordance with open enrollment for the new plan year. Therefore, this emergency amendment is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. MCHCP's actuary has valued the savings achievable by an experienced wellness program to be approximately a one percent (1%) reduction in expected medical claims spend and has not included this one percent (1%) percent in predicting total plan costs. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency amendment in order to maintain the integrity of the current health care plan. This emergency amendment must become effective October 1, 2013 to fulfill the compelling government interest of offering continuous health insurance to officers, state, and public entity employees, retirees, and their families. This emergency amendment reflects changes made to the plan by the MCHCP Board of Trustees. A proposed amendment, which covers the same material, is published in this issue of the ***Missouri Register****. This emergency amendment complies with the protections extended by the* ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed August 23, 2013, becomes effective October 1, 2013, and expires March 29, 2014.*

(1) Program—The wellness program is called Strive for Wellness and is administered through *[StayWell Health Management (]***a wellness** vendor*[)]*. Strive for Wellness is voluntary. Subscribers are responsible for enrolling, participating, and completing requirements by applicable deadlines.

(3) Limitations and exclusions—The following members are not eligible to participate in the wellness program:

(D) *[Medicare or]* TRICARE Supplement Plan terminated vested subscriber;

(E) *[Medicare or]* TRICARE Supplement Plan long-term disability subscriber;

(F) *[Medicare or]* TRICARE Supplement Plan survivor subscriber;

(G) *[Medicare or]* TRICARE Supplement Plan COBRA subscriber;

(H) *[Medicare or]* TRICARE Supplement Plan retiree subscriber; and

(4) Participation—

(A) Subscribers **and new employees** may earn an incentive by completing the following:

1. **Subscribers—**

A. The online Partnership Agreement by November 30, *[2012]* **2013**;

*[2.]***B.** The online Health Assessment by November 30, *[2012]* **2013**; and

[3. Receive an annual wellness exam] **C. Complete a preventive lab screening (cholesterol and glucose)** between June 1, *[2012]* **2013**, and May 31, *[2013]* **2014**, and submit the *[Health Care Provider Form that]* **Preventive Lab form to MCHCP's wellness vendor by May, 31, 2014. The vendor must receive the form by May 31, 2014. The form must** include*[s]* the *[subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's wellness vendor by May 31, 2013. The vendor must receive the form by May 31, 2013.]* **following:**

(I) The health care provider's name and signature;

(II) The subscriber's name and signature; and

(III) The date the preventive lab screening was completed.

2. New employees—

A. An employee adding medical coverage with an effective date from November 1, 2013, through May 1, 2014, must complete the Partnership Agreement within thirty-one (31) days of the effective date and the Health Assessment by May 31, 2014 or within sixty (60) days of the effective date, whichever is earlier, to receive the partnership incentive. The incentive will start at the beginning of the second month after the eligible subscriber completes the Health Assessment.

B. To continue the incentive July through December 2014, the employee must complete a preventive lab screening (cholesterol and glucose) between June 1, 2013 and May 31, 2014, and submit the Preventive Lab form to MCHCP's wellness vendor by May 31, 2014. The Partnership Agreement and Health Assessment must be completed by May 31, 2014 or within sixty (60) days of the effective date of coverage, whichever is earlier. The vendor must receive the Preventive Lab form no later than May 31, 2014.

C. An employee with an effective date after May 1, 2014, will be eligible to participate in the wellness program at the next open enrollment period;

(B) Preventive Lab form—

[A. Health Care Provider] **1. Preventive Lab** form. The *[Health Care Provider]* **Preventive Lab** form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only*[.]***;**

[B. Health Care Provider] **2. Preventive Lab** form errors. Forms submitted with errors will not be accepted. Unacceptable errors include, but are not limited to:

*[(I)]***A.** Form not unique to submitting subscriber;

*[(II)]***B.** Provider printed name not legible;

*[(III)]***C.** Provider name or signature missing;

[(IV) Height missing or not legible] **D. Subscriber printed name not legible**;

[(V) Weight missing or not legible] **E. Subscriber name or signature missing**;

[(VI) Blood pressure] **F. Date preventive lab screening completed** missing or not legible; **and**

[(VII) Date of physical exam missing or not legible; and

(VIII)] **G.** Handwritten changes made to the preprinted name and unique ID contained on the form*[.]***;**

[C. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women; and]

*[D.]***3.** Qualified health care provider. The *[Health Care Provider]* **Preventive Lab** form must be completed by the health care provider who *[conducted]* **ordered** the *[annual wellness exam;]* **preventive lab screening;**

[(B) A new employee or eligible subscriber adding medical coverage due to a life event from November 1, 2012, through May 31, 2013, must complete the Partnership Agreement and Health Assessment within sixty (60) days of the effective date of coverage to receive the partnership incentive. The incentive will start the beginning of the second month after the eligible subscriber completes the Health Assessment. To continue the incentive July through December 2013, the employee must receive an annual wellness exam between June 1, 2012, and May 31, 2013, and submit the Health Care Provider form that includes the subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's wellness vendor by May 31, 2013. The Partnership Agreement and Health Assessment must be completed within sixty (60) days of the effective date of coverage or May 31, 2013 whichever is earlier and the vendor must receive the Health Care Provider form no later than May 31, 2013.

1. Health Care Provider form. The Health Care Provider form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only.

2. Health Care Provider form errors. Forms submitted with errors will not be accepted. Unacceptable errors include, but are not limited to:

A. Form not unique to submitting subscriber;
B. Provider printed name not legible;
C. Provider name or signature missing;
D. Height missing or not legible;
E. Weight missing or not legible;
F. Blood pressure missing or not legible;
G. Date of physical exam missing or not legible; and
H. Handwritten changes made to the preprinted name and unique ID contained on the form.

3. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women;

(C) An employee hired after May 31, 2013, will be eligible to participate in the wellness program at the next open enrollment period;]

*[(D)]***(C)** Subscribers with disabilities may request special accommodations regarding participation. Appropriately documented reasonable requests will be accommodated to the extent possible;

*[(E)]***(D)** When Medicare becomes a retiree subscriber's primary insurance payer, the subscriber is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary;

*[(F)]***(E)** Health Coaching. Subscriber data from the Health Assessment *[and Health Care Provider form]* will be used to identify health risks. Subscribers identified to be at moderate to high health risk for weight, eating, stress, exercise, tobacco use, back care, blood pressure, and cholesterol will be offered voluntary phone health coaching to reduce their risk. Health coaching is not required to receive the partnership incentive; and

*[(G)]***(F)** Subscribers failing to fulfill all requirements of the Partnership Agreement by said deadlines will lose the partnership incentive and will not be eligible for health coaching.

(6) Partnership incentive—The partnership incentive is *[fifteen]* **twenty-five** dollars *[($15)]* **($25**) per month as reflected in the partnership premium.

(7) Each subscriber is responsible for confirming vendor receipt and acceptability of his/her *[Health Care Provider]* **Preventive Lab** form by checking his/her wellness information on myMCHCP. If the information is not reflected within a reasonable time period, it is the subscriber's responsibility to contact the vendor regarding the status of his/her *[Health Care Provider]* **Preventive Lab** form *[at (866) 564-5235]*.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expires March 29, 2014. A proposed amendment covering this same material is published in this issue of the ***Missouri Register****.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 10—Commissioner of Education
Chapter 1—Organization of the Department

PROPOSED AMENDMENT

5 CSR 10-1.010 General Department Organization. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment is to update the organization of the department.

(1) The Department of Elementary and Secondary Education **(department)** is organized under the State Board of Education **(board)** and serves in an administrative, supervisory**,** and leadership role as provided by the constitution, statute**,** and board policy.

(A) Responsibility for *[policy-making]* **policymaking** and general oversight of public education rests with the *[State Board of Education]* **board**. The board consists of eight (8) persons who are appointed by the governor for eight (8)-year terms.

(B) The chief administrative officer of the *[state]* board is the commissioner of education, who is appointed and serves at the pleasure of the board.

[(C) The commissioner is assisted by a deputy commissioner and six (6) assistant commissioners with line responsibility for the operating divisions of the department, including administration, instruction, adult education, special education, urban and teacher education, and vocational rehabilitation. The major divisions of the department are further subdivided into sections with specific program responsibilities.]

(2) As a public agency, the *[Department of Elementary and Secondary Education]* **department** is open to requests, submissions**,** and inquiries from the public. Regular office hours are maintained from 8:00 a.m. to *[5:00]* **4:30** p.m. Monday through Friday. The following general procedures are established to assist any person or group seeking information or making requests:

(A) Matters concerning a program**, policy, or procedure** administered by the department should be addressed *[directly]* to *[the division or section responsible for that program. The postal address for the principal offices of the department is]* **205 Jefferson Street,** *[P.O.]* **PO** Box 480, *[Sixth Floor, Jefferson State Office Building,]* Jefferson City, MO 65102**-0480**. Telephone inquiries may be directed to the central department number, *[(314)]* **(573)** 751-4212*[, if an individual section number is not known]*;

(B) Questions concerning local school districts in most cases should be directed to the *[section of Supervision of Instruction]* **district itself or to the area supervisor**; **and**

[(C) Matters of a general policy or procedural nature may be directed to the commissioner or deputy commissioner's office; and]

*[(D)]***(C)** Meetings of the *[State Board of Education]* **board** are usually held monthly and are open to the public. The date, time**,** and place of these meetings are publicized.

*AUTHORITY: section 161.092, RSMo [1986] **Supp. 2012**. Original rule filed May 28, 1976, effective Oct. 1, 1976. Amended: Filed July 11, 1977, effective Oct. 15, 1977. Amended: Filed Aug. 27, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Mark Van Zandt, General Counsel, PO Box 480, Jefferson City, MO 65102-0480 or by email at counsel@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education

PROPOSED AMENDMENT

5 CSR 20-300.160 Establishment of Sheltered Workshops. The

State Board of Education is amending subsections (1)(A), (1)(J), and section (2).

PURPOSE: This amendment updates language, clarifies the definition of reimbursable time, and changes the structure permitted for corporations operating sheltered workshops.

(1) For the purpose of this rule, the following terms shall mean:

(A) "Employee"—a person with a disability *[("handicapped persons")]* **("disabled persons"** as defined in section 178.900, RSMo) employed in a workshop. All persons employed by a sheltered workshop shall demonstrate productive capacity and their behavior shall contribute to the work environment of that shop. These regulations shall neither mandate nor prohibit employment of individuals who require personal supports which go beyond reasonable accommodations;

(J) "Reimbursable time"—time or activity that is related to production, training, and/or reasonable wait time**, which must be paid in accordance to United States Department of Labor regulations,** that occurs normally as a part of the production process. **After wait time exceeds twelve (12) consecutive hours, state aid can only be claimed if training is provided.**

(2) A not-for-profit corporation, registered with the Missouri secretary of state, founded for the purpose of administering a workshop, and engaged in the employment and rehabilitation of people with disabilities, as defined in section 178.900, RSMo, shall be a *[separate]* corporation engaged *[only]* in the business of operating a workshop. However, the workshop may enter into a written agreement for the purposes of sharing the purchasing of materials or services, sharing personnel**,** or sharing buildings and equipment. The agreement shall provide the responsibilities of each party. The agreement or any renewal or extension of the agreement shall be approved by the department. The corporation shall apply for and be granted a certificate of authority from the department in order to qualify for the receipt of state funds. To make application for a certificate of authority, a corporation shall file form FP-100-1 (Application for Extended Employment Sheltered Workshop Certificate), together with each of the following documents with the department for its review and approval:

*AUTHORITY: section 178.920, RSMo [1994] **Supp. 2012**. This rule previously filed as 5 CSR 70-770.010. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed Nov. 23, 1998, effective July 30, 1999. Moved to 5 CSR 20-300.160, effective Aug. 16, 2011. Amended: Filed Aug. 27, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Office of Special Education, PO Box 480, Jefferson City, MO 65102-0480 or sesw@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education

PROPOSED AMENDMENT

5 CSR 20-300.170 Operation of Extended Employment Sheltered Workshops. The State Board of Education is amending sections (3), (6), (8), (9), (11), and (13) and adding a new section (14).

PURPOSE: This amendment clarifies language, removes outdated requirements, changes the time on reporting requirements, decreases the amount of training time permitted to claim state aid, requires workshops to have policies to investigate allegations of neglect, and makes the requirement to have an employee grievance policy its own section.

(3) A copy of any notification of noncompliance with federal or state laws or regulations shall be provided to the **Department of Elementary and Secondary Education (**department**)** by the workshop receiving such notice. This includes, but is not limited to, the United States Department of Labor, Wage and Hour Division; Occupational Safety and Health Administration; Department of the Treasury; Internal Revenue Service; and the Social Security Administration. Such notice shall be provided within *[ten (10)]* **twenty (20) calendar** days of its initial receipt by the workshop. Failure to do so may result in the suspension of state aid payments.

(6) The corporate board of directors and workshop manager shall observe sound business and financial practice in all areas including but not limited to subcontracting, purchasing of materials, sale of products and services, budget and accounting control and safeguarding of property and material. The workshop shall maintain a comprehensive accrual or modified accrual accounting system which accurately represents the financial condition of the corporation. *[This requirement for an accrual accounting system shall be phased in by Fiscal Year 2000.]* Separate and accurate financial accounting shall be provided for each major program provided by the workshop.

(8) Hourly wages paid approved employees shall not be less than ten percent (10%) of the minimum wage standard as determined by the United States Department of Labor. The average income per hour for each **approved** employee working at piece rates shall be not less than ten percent (10%) of the minimum wage standard as determined by the United States Department of Labor during any work week.

(9) Approved employees of a workshop shall be engaged in production work, or vocational-related training at all times during which state aid is claimed. Vocational-related training shall be paid at ten percent (10%) of the current federal minimum. During any fiscal quarter, a workshop should have no less than *[seventy-five percent (75%)]* **eighty percent (80%)** of its reimbursable time in income-producing work. State aid shall be paid for vocational-related training time up to a maximum of *[twenty-five percent (25%)]* **twenty percent (20%)** of a workshop's monthly reimbursable time. **The department may waive this requirement for workshops located in an area declared by the governor to be a state of emergency for up to one (1) year after the declaration.** Documentation of the time per employee and content of vocational-related training provided shall be maintained for inspection by department staff.

(11) The maximum work day for state aid purposes shall be *[six (6) hours]* **as set forth in section 178.930, RSMo**.

(13) Every workshop shall have in effect written policies and procedures for investigating and resolving complaints of abuse *[and policies and procedures for employee grievance]* **and neglect**.

(14) Every workshop shall have in effect policies and procedures for resolving employee grievances.

*AUTHORITY: sections 178.900, 178.910, 178.920, [RSMo 1994] and 178.930, RSMo Supp. [1997] **2012**. This rule previously filed*

as 5 CSR 70-770.020. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed Oct. 2, 1981, effective Jan. 18, 1982. Amended: Filed Nov. 23, 1998, effective July 30, 1999. Moved to 5 CSR 20-300.170, effective Aug. 16, 2011. Amended: Filed Aug. 27, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities thirteen thousand three hundred dollars ($13,300) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Office of Special Education, PO Box 480, Jefferson City, MO 65102-0480 or sesw@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: Title 5-Department of Elementary and Secondary Education
Division Title: Division 20-Division of Learning Services
Chapter: Chapter 300-Office of Special Education

Rule Number and Title:	5 CSR 20-300.170 Operation of Extended Employment Sheltered Workshops
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
90	**Workshop not for profit corporations**	**$13,300**

III. WORKSHEET

	FY-12 Overpayment		FY-13 Overpayment	
	@ 25%	@20%	@25%	@20%
1st Qtr	$13,979	$20,426	$16,961	$20,609
2nd Qtr	12,256	13,663	8,031	9,086
3rd Qtr	5,010	6,417	9,403	9,403
4th Qtr	21,181	31,756	6,192	8,252
	$52,426	**$72,262**	**$40,587**	**$47,350**

$46,506 Average per year in aggregate for FY-12 and 13 at 25%
$59,806 Average per year in aggregate for FY-12 and 13 at 20%

Thirteen thousand three hundred dollars ($13,300) is the projected impact to private entities (sheltered workshops). Difference between the overpayment amounts based on twenty percent (20%) and twenty-five percent (25%).

Nine (9) out of ninety (90) workshop entities exceeded the quarterly ratio over the past two (2) fiscal years.

IV. ASSUMPTIONS

The Sheltered Workshops are an employment program for qualified persons with disabilities. The vocational training portion allowed, under this rule, is designed to maintain, increase, and/or develop new work skills in the specific types of contract work performed by the workshop and can be used in times when there are temporary lapses of contract work. The vocational training can be used to reduce the potential of temporary layoff that can disrupt the daily life of a worker while providing the workshop with the ability to request state aid support for the training time.

The change in the ratio is based on reflecting the declining usage trend, and to maintain focus on employment through viable contract work, and the increasing availability of other vocational training program providers.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education

PROPOSED AMENDMENT

5 CSR 20-300.180 Renewal or Revocation of a Certificate of Authority. The State Board of Education is amending subsections (1)(D), (2)(B), adding a new subsection (2)(C), and renumbering subsections (2)(D) and (2)(E).

PURPOSE: This amendment removes the requirement for a notarized application, adds a timeline for a corrective action plan, permits the division to issue a temporary certificate of authority when a workshop is not in full substantial compliance with the regulations.

(1) Workshops which are current grantees of a certificate of authority shall apply to the **Department of Elementary and Secondary Education (**department**)** each year to seek renewal of the certificate. Renewal of the certificate of authority is based on the submission of an annual report by the board of directors of the workshop corporation four (4) months after the end of the workshop's fiscal year. Failure to provide the necessary information by the due date may result in the suspension of state aid payments. The annual report should include, but not be limited to, the following items:

(D) An original copy of a *[notarized]* signature sheet showing the official signatures of the officers of the corporation;

(2) If the department determines the workshop board of directors is not in substantial compliance with these regulations, and depending on the nature and severity of the situation, the department may—

(B) Require a corrective action plan **within ten (10) business days**; or

(C) Issue a temporary certificate of authority; or

*[(C)]***(D)** Suspend state aid payments until it is determined that the workshop is again in substantial compliance with these regulations; or

*[(D)]***(E)** If the workshop does not return to substantial compliance within ninety (90) days the state may proceed to revoke the workshop's certificate of authority pursuant to section 178.920(4), RSMo.

*AUTHORITY: section 178.920, RSMo [1996] **Supp. 2012**. This rule previously filed as 5 CSR 70-770.030. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed Nov. 23, 1998, effective July 30, 1999. Moved to 5 CSR 20-300.180, effective Aug. 16, 2011. Amended: Aug. 27, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Office of Special Education, PO Box 480, Jefferson City, MO 65102-0480 or sesw@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education

PROPOSED AMENDMENT

5 CSR 20-300.190 Approval of Eligible Employees. The State Board of Education is amending section (1) and adding a new section (3).

PURPOSE: This amendment changes who receives the application for certification of disability, and adds an ending date to the certificate of eligibility to work in a sheltered workshop after the employee has obtained supportive or competitive employment.

(1) A workshop provides employment for individuals with disabilities. If the workshop is certified by the United States Department of Labor, Wage and Hour Division, employees with disabilities working in the workshop may be paid subminimum wages. The application for certification of a person with a disability is initially submitted by the workshop manager to *[either the Missouri Division of Vocational Rehabilitation or Missouri Rehabilitation Services for the Blind]* **the agency designated by the Department of Elementary and Secondary Education (department) or the department's representative for certification**. The agency to which an application is submitted shall conduct an evaluation. If the agency determines the existence of a disability, it shall certify such. The evaluating agency shall advise the workshop of this certification and the workshop may submit the certification to the department. The department may approve the applicant for workshop employment.

(3) The certification of eligibility for employment in an extended employment sheltered workshop shall be terminated six (6) months after a worker has obtained supported and/or competitive employment in an integrated and community-based business or industry. A person may reapply to the department for a certification of eligibility should the supported and/or competitive employment status change. The person must meet the eligibility requirements to receive a new certificate of eligibility.

*AUTHORITY: sections 178.900[, RSMo 1994] and 178.930, RSMo Supp. [1997] **2012**. This rule previously filed as 5 CSR 70-770.040. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed Nov. 23, 1998, effective July 30, 1999. Moved to 5 CSR 20-300.190, effective Aug. 16, 2011. Amended: Filed Aug. 27, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Office of Special Education, PO Box 480, Jefferson City, MO 65102-0480 or sesw@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 300—Office of Special Education

PROPOSED AMENDMENT

5 CSR 20-300.200 Disbursement of Funds. The State Board of Education is amending sections (1) and (3).

PURPOSE: This amendment clarifies that state aid is paid in the amount set forth in the statute, requires state aid requests to be timely filed and changes the time frame for repayment of overpayment of state aid.

(1) After approval of a certificate of authority for a workshop, the **Department of Elementary and Secondary Education (**department**)** shall pay monthly, out of funds allotted to it for that purpose, to each workshop corporation *[a sum equal to the per diem specified by statute multiplied by the number of six (6)-hour or longer days worked by approved employees with disabilities with productive capacity during the preceding month. For each employee of a workshop who works less than a six (6)-hour day, the workshop shall receive a pro rata share of the rate authorized by statute based on the percentage of six (6)-hour days worked.]* **pursuant to section 178.930.1(2), RSMo. Monthly state aid requests shall be submitted by the due date and time designated by the department.** The department shall accept as proof of payment due a workshop, a statement signed by the president or vice president, acting in the absence of the president, and secretary, or treasurer acting in the absence of the secretary, of the workshop board and the workshop manager setting forth the dates worked and the number of hours worked each day for each approved employee with productive capacity employed by the workshop during the preceding month. These detailed records of work history by employee shall be maintained by the workshop for at least five (5) years following the year to which they apply and be made available for department inspection.

(3) If it is determined by the department or by certified audit that a workshop has received state aid in excess of that which was permitted by statute and regulation, the workshop shall submit in writing to the department a repayment plan within thirty (30) days of determination of the overpayment. The department shall approve or deny the repayment plan and provide written notice of such to the workshop within thirty (30) days of its submission of the repayment plan. Repayment plans shall propose the return of all excess state aid *[within twelve (12) months or less of their date of approval.]* **over a period of time as determined by the department.** The department may withhold state aid for the failure of a workshop to submit a repayment plan.

*AUTHORITY: section 178.930, RSMo Supp. [1997] **2012**. This rule previously filed as 5 CSR 70-770.050. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed Oct. 2, 1981, effective Jan. 18, 1982. Amended: Filed Nov. 23, 1998, effective July 30, 1999. Moved to 5 CSR 20-300.200, effective Aug. 16, 2011. Amended: Filed Aug. 27, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Office of Special Education, PO Box 480, Jefferson City, MO 65102-0480 or sesw@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Financial and Administrative Services
Chapter 640—School Buildings

PROPOSED RECISSION

5 CSR 30-640.100 Rebuild Missouri Schools Program. This rule established filing requirements for eligible school districts for funding under the Rebuild Missouri Schools Program.

PURPOSE: This rule is being rescinded since the Department of Elementary and Secondary Education has discontinued the application of the standards contained in this rule.

AUTHORITY: sections 160.459 and 161.092, RSMo Supp. 2008. Original rule filed Dec. 5, 2008, effective July 30, 2009. Rescinded: Filed Aug. 27, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, General Counsel, PO Box 480, Jefferson City, MO 65102-0480, or by email at counsel@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance

PROPOSED RULE

8 CSR 10-3.150 Fraud Penalties on Federal and State Benefits

PURPOSE: This rule implements an amendment to the federal Social Security Act made by Section 251 of the federal Trade Adjustment Assistance Extension Act of 2011, Public Law No. 112-40, mandating that states assess a monetary fraud penalty on both state and federal unemployment benefits in an amount of not less than fifteen (15%) percent of the amount of the fraudulent payments and that the money thereby collected be deposited into the state's unemployment compensation fund.

(1) Any individual who receives state or federal unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose any material fact, or by intentionally offering misleading information, has committed fraud and such individual shall be assessed a penalty as provided in subsection 9 of section 288.380, RSMo.

(2) With regard to payments made toward a penalty amount assessed pursuant to subsection 9 of section 288.380, RSMo, an amount equal to fifteen percent (15%) of the total amount of benefits fraudulently obtained shall be immediately deposited into the state's unemployment compensation fund, and the remaining penalty amount shall be credited to the special employment security fund.

AUTHORITY: sections 288.220 and 288.390, RSMo 2000. Emergency rule filed Aug. 22, 2013, effective Oct. 1, 2013, expires March 29, 2014. Original rule filed Aug. 22, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Employment Security; Attn: Ken Jacob, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 4—Unemployment Insurance

PROPOSED AMENDMENT

8 CSR 10-4.020 Records and Reports. The division is amending section (5) and adding a new section (6).

PURPOSE: This amendment amends the rule regarding employer records to require employing units to notify the division within thirty (30) days from the date they become liable to pay contributions as employers and to require employers to notify the division within thirty (30) days from the date they acquire all or part of another business entity.

(5) Each employing unit shall notify the division in writing whenever it becomes liable to pay contributions as an employer. **Such notification shall be filed with the division within thirty (30) days from the date the employing unit becomes liable to pay contributions as an employer.**

(6) An employer shall notify the division upon acquisition of all or part of another business entity. Such notification shall be filed with the division within thirty (30) days from the date of the acquisition.

AUTHORITY: section 288.220, RSMo [Supp. 1995] 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Aug. 30, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security; Attn: Ken Jacob, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 4—Unemployment Insurance

PROPOSED RULE

8 CSR 10-4.210 Prohibition on the Non-Charging of Benefits

PURPOSE: This rule implements an amendment to the Federal Unemployment Tax Act made by Section 252 of the federal Trade Adjustment Assistance Extension Act of 2011, Public Law No. 112-40, mandating that states prohibit the non-charging of certain overpaid unemployment benefits to employers' separate experience rating accounts.

(1) No employer's account shall be relieved of charges relating to a payment that was erroneously made from the unemployment compensation fund if the division determines that—

(A) The erroneous payment was made because the employer or an agent of the employer was at fault for failing to respond timely or adequately to a written request from the division for information relating to a claim for unemployment benefits; and

(B) The employer or an agent of the employer has established a pattern of failing to respond timely or adequately to requests made under subsection (A) of this section.

(2) For the purpose of this rule, the following terms shall mean:

(A) "Adequately," responses to requests for information must include sufficient facts for the deputy to reach the conclusion ultimately and finally made in regard to the claim;

(B) "Erroneous payment," a payment that, but for the failure by the employer or the agent of the employer to respond timely and adequately to a written request from the division for information with respect to the claim for unemployment benefits, would not have been made;

(C) "Pattern of failing," repeated documented failure on the part of the employer or the agent of the employer to respond, taking into consideration the number of instances of failure in relation to the total volume of requests. An employer or an agent of the employer failing to respond as described under subsection (1)(A) of this rule shall not be determined to have engaged in a pattern of failure if the number of the failures during the year prior to the request is fewer than two (2) or less than two percent (2%) of the requests, whichever is greater; and

(D) "Timely," information must be postmarked or received by the division on or before the date provided in the request for information.

(3) For good cause shown, the employer or employer agent shall be excused from timely or adequately responding to a written request for information. For purposes of this rule, good cause shall be limited only to those circumstances that are wholly beyond the control of the employer or employer agent and then only if the employer or employer agent acts as soon as possible. The employer or employer agent shall bear the burden of proving good cause to the satisfaction of the division.

(4) Determinations by the division prohibiting the relief of charges under this rule shall be subject to appeal or protest as other determinations of the division with respect to the charging of employer accounts.

(5) This rule shall apply to erroneous payments established on or after October 1, 2013.

AUTHORITY: sections 288.220 and 288.390, RSMo 2000. Emergency rule filed Aug. 22, 2013, effective Oct. 1, 2013, expires March 29, 2014. Original rule filed Aug. 22, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Employment Security; Attn: Ken Jacob, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits

PROPOSED AMENDMENT

10 CSR 20-6.011 Fees. The Clean Water Commission is proposing to amend this rule. There are changes to (1) Fees-General, (1)(A), (1)(C), (1)(D) and, a new section named (2) Fees-Amounts. Operating Fees is now (3), (3)(C) is deleted and, (D) is now (C), (E) is now (D). General Permits and Fees is now (4), with a change to (4)(B) and, deletion of (4)(D). Construction Fees is now (5).

PURPOSE: This amendment is primarily to establish the clean water fee structure in rule pursuant to the new section 644.057, RSMo, requirements by May 30, 2014. A new fee structure is recommended by the Department of Natural Resources, as a result of a comprehensive review with stakeholders. Reviewed and voted upon by the Clean Water Commission, if not disapproved by the General Assembly, the new fee structure will become effective January 1, 2015. Another significant change in the rule would allow small mechanical plants to be authorized through a general permit.

(1) Fees—General.

(A) **Until December 31, 2014,** *[A]*ll persons who build, erect, alter, replace, operate, use or maintain wastewater treatment facilities shall pay the appropriate fees as designated in sections *[644.052 and 644.053]* **644.051 to 644.057**, RSMo**. Pursuant to section 644.057, RSMo, beginning on January 1, 2015, such persons shall pay the appropriate fees prescribed by this rule** (see Appendix A).

(C) The fees referenced in subsection (1)(A) shall be paid by check**,** *[or]* money order**, or credit card**, *[and]* made payable to the state of Missouri. In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency. If payment has not been corrected after fifteen (15) days, the person may be referred to the attorney general's office and assessed late penalties, pursuant to section 644.055, RSMo. When a check used for the payment of a construction fee is returned to the department marked insufficient funds, review of the application shall cease and the applicant shall be notified. If the insufficiency is not corrected after ten (10) days, the application shall be returned as incomplete.

(D) Annual operating fees shall be submitted to: Department of Natural Resources, *[Division of Management Services, Receipts and Reporting Program, P.O. Box 477,]* **Water Protection Program, PO Box 176,** Jefferson City, MO 65102 and*[,]* construction fees shall be submitted with the application for the construction permit to*[, the appropriate]* Department of Natural Resources *[regional office or the Water Pollution Control Program in Jefferson City, Missouri]***, Water Protection Program, PO Box 176, Jefferson City, MO 65102**.

(E) Each payment shall identify the following: National Pollutant Discharge Elimination System (NPDES) permit number, payment period and applicant**,** or the permittee name and address. Persons who own or operate more than one (1) facility may submit one (1) check to cover all annual permit fees, but are responsible for submitting the appropriate information to allow proper credit of each permit *[file]* account.

(2) Fees—Amounts.

(A) Persons with operating permits, including but not limited to site-specific permits, general permits, or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections (B) to (F) of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay fees pursuant to subsection (G) of this section. Persons requesting a permit modification shall pay fees pursuant to subsection (H) of this section. Persons requesting water quality certification shall pay fees pursuant to subsection (I) of this section. Persons requesting an anti-degradation review shall pay fees pursuant to subsection (J) of this section. Persons requesting a construction permit shall pay fees pursuant to subsection (K) of this section.

(B) A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

1. One hundred fifty dollars ($150) if the design flow is less than five thousand (5,000) gallons per day;

2. Three hundred dollars ($300) if the design flow is equal to or greater than five thousand (5,000) gallons per day but less than ten thousand (10,000) gallons per day;

3. Six hundred dollars ($600) if the design flow is equal to or greater than ten thousand (10,000) gallons per day but less than fifteen thousand (15,000) gallons per day;

4. One thousand dollars ($1,000) if the design flow is equal to or greater than fifteen thousand (15,000) gallons per day but less than twenty-five thousand (25,000) gallons per day;

5. One thousand five hundred dollars ($1,500) if the design flow is equal to or greater than twenty-five thousand (25,000) gallons per day but less than thirty thousand (30,000) gallons per day;

6. Three thousand dollars ($3,000) if the design flow is equal to or greater than thirty thousand (30,000) gallons per day but less than one hundred thousand (100,000) gallons per day.

7. Four thousand dollars ($4,000) if the design flow is equal to or greater than one hundred thousand (100,000) gallons per day but less than two hundred fifty thousand (250,000) gallons per day; or

8. Five thousand dollars ($5,000) if the design flow is equal to or greater than two hundred fifty thousand (250,000) gallons per day.

(C) Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay—

1. Five thousand dollars ($5,000) if the industry is a class IA animal feeding operation as defined by the commission; or

2. For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:

A. Four thousand two hundred dollars ($4,200) if the design flow is less than one (1) million gallons per day; or

B. Five thousand dollars ($5,000) if the design flow is equal to or greater than one (1) million gallons per day.

(D) Persons who apply for or possess a site-specific permit solely for industrial storm water shall pay an annual fee of:

1. One thousand eight hundred dollars ($1,800) if the design flow is less than one (1) million gallons per day; or

2. Two thousand eight hundred dollars ($2,800) if the design flow is equal to or greater than one (1) million gallons per day.

(E) Persons who produce industrial process wastewater who are not included in subsections (2)(C) or (2)(D) of this section shall annually pay—

1. One thousand eight hundred dollars ($1,800) if the design flow is less than one (1) million gallons per day; or

2. Three thousand dollars ($3,000) if the design flow is equal to or greater than one (1) million gallons per day.

(F) Persons who apply for or possess a general permit or permit by rule shall pay—

1. For the discharge of storm water from a land disturbance site—

A. Five hundred dollars ($500) if the site is at least one (1) acre and less than five (5) acres;

B. Six hundred dollars ($600) if the site is equal to or greater than five (5) acres but less than ten (10) acres;

C. Seven hundred fifty dollars ($750) if the site is equal to or greater than ten (10) acres but less than twenty-five (25) acres;

D. One thousand five hundred dollars ($1,500) if the site is equal to or greater than twenty-five (25) acres but less than one hundred (100) acres;

E. Three thousand dollars ($3,000) if the site is equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

F. Five thousand dollars ($5,000) if the site is equal to or greater than five hundred (500) acres; and

G. Any permit issued to a public agency or private party for multiple sites shall pay a single fee based upon the estimated acreage of all the sites as follows:

(I) One thousand five hundred dollars ($1,500) if the sites are less than one hundred (100) acres;

(II) Three thousand dollars ($3,000) if the sites are equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or

(III) Five thousand dollars ($5,000) if the sites are equal to or greater than five hundred (500) acres;

2. One hundred dollars ($100) annually for the operation of a chemical fertilizer or pesticide facility;

3. For the operation of an animal feeding operation or a concentrated animal feeding operation—

A. Five thousand dollars ($5,000) per year for a national pollutant discharge elimination system permit for a class IA concentrated animal feeding operation as defined by the commission;

B. Four hundred fifty dollars ($450) per year for a national pollutant discharge elimination system permit for a class IB concentrated animal feeding operation as defined by the commission;

C. Three hundred fifty dollars ($350) per year for a national pollutant discharge elimination system permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

D. Three hundred dollars ($300) per year for a state operating permit for a class IB concentrated animal feeding operation as defined by the commission; or

E. One hundred fifty dollars ($150) per year for a state operating permit for a class IC or class II concentrated animal feeding operation as defined by the commission;

4. Two hundred fifty dollars ($250) annually for the discharge of storm water from a municipal separate storm sewer system (MS4);

5. Three hundred dollars ($300) annually for the operation of an aquaculture facility;

6. For discharging publicly owned treatment works which treats only human sewage shall annually pay the fee in subsection (G) based upon the number of service connections to the facility;

7. One hundred fifty dollars ($150) annually for a permit by rule and for a pesticide applicator permit.

8. Two hundred dollars ($200) annually for a permit for the discharge of process water or storm water, potentially contaminated by activities not included in paragraphs 1. to 7. of this subsection.

(G) Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, other publicly owned treatment works, or any district formed pursuant to the provisions of section 30(a) of Article VI of the *Missouri Constitution* shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars ($700) per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly, or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in paragraph 7. of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall be—

1. For customers of sewer systems that serve more than thirty-five thousand (35,000) customers, forty-eight cents ($0.48);

2. For customers of sewer systems that serve equal to or less than thirty-five thousand (35,000) but more than twenty thousand (20,000) customers, sixty cents ($0.60);

3. For customers of sewer systems that serve equal to or less than twenty thousand (20,000) but more than seven thousand (7,000) customers, seventy-two cents ($0.72); or

4. For customers of sewer systems that serve equal to or less than seven thousand (7,000) customers, eighty cents ($0.80);

5. Three dollars and forty-two cents ($3.42) for commercial or industrial customers not served by a public water system as defined in Chapter 640;

6. Three dollars ($3) per water service connection for all other customers with water service connections of less than or equal to one (1) inch excluding taps for fire suppression and irrigation systems;

7. Eleven dollars ($11) per water service connection for all other customers with water service connections of more than one (1) inch but less than or equal to four (4) inches, excluding taps for fire suppression and irrigation systems; or

8. Twenty-nine dollars ($29) per water service connection for all other customers with water service connections of more than four (4) inches, excluding taps for fire suppression and irrigation systems.

(H) For the purpose of permit modification fees, non-substantive changes are those listed as minor modifications in 40 CFR section 122.63. Persons requesting a modification to an operating permit shall pay:

1. One hundred dollars ($100) for name changes, address changes or other non-substantive changes, or for a modification of a general permit; or

2. A fee equal to twenty-five percent (25%) of the annual operating fee assessed for the facility for other changes;

(I) Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of—

1. One hundred fifty dollars ($150) for a project that requires a Finding of No Significant Impact or other documentation pursuant to the federal National Environmental Policy Act, but does not require an environmental impact statement; or

2. One thousand five hundred dollars ($1,500) for a project that does require an environmental impact statement, pursuant to the federal National Environmental Policy Act.

Applicants shall submit the standard application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued to and accepted by the U.S. Army Corps of Engineers for activities authorized pursuant to a general permit or nationwide permit issued pursuant to section 404 of the federal Clean Water Act.

(J) Persons applying for an anti-degradation review shall pay a fee as follows:

1. Two hundred fifty dollars ($250) for an anti-degradation review or a water quality review analysis for an existing wastewater treatment plant that will be upgraded;

2. Five hundred dollars ($500) for an anti-degradation review for a new wastewater treatment plant if the design flow is less than one hundred thousand (100,000) gallons per day; or

3. One thousand dollars ($1,000) for an anti-degradation review for a new wastewater treatment plant if the design flow is equal to or more than one hundred thousand (100,000) gallons per day;

(K) Persons applying for a construction permit shall pay fee as follows. The applicant shall pay only the highest appropriate fee pursuant to paragraphs 1. to 3. of this subsection, regardless of the extent of additional planned construction as part of the same application.

1. One thousand dollars ($1,000) for a construction permit for a wastewater treatment plant if the design flow is less than five hundred thousand (500,000) gallons per day;

2. Three thousand dollars ($3,000) for a construction permit for a wastewater treatment plant if the design flow is equal to or more than five hundred thousand (500,000) gallons per day; or

3. Three hundred dollars ($300) for a construction permit for a sewer extension of more than one thousand feet (1,000 ft) in length or have two (2) or more lift stations.

(L) Persons applying for a variance shall pay a fee of two hundred fifty dollars ($250).

*[(2)]***(3)** Operating Fees.

(A) All persons who are subject to fees under section 644.052.2, 644.052.4 or 644.052.5, RSMo**,** shall remit their first annual fee with their original application and pay an annual fee each year on the anniversary date of their permit. Permittees with permits in effect at the time these sections become effective shall remit annual fees on the anniversary date of the permit. Persons whose permit is renewed during the duration of these fees shall submit a renewal application one hundred eighty (180) days before their permit expires, but the annual fee shall be paid on the anniversary date. The permit issue date that was in effect on October 1, 1990 shall be the anniversary date during the effective period of section 644.052, RSMo.

(B) Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly-owned treatment works, shall pay an annual fee per water service connection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than seven hundred dollars ($700) per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually.

[(C) Customers served by any district formed pursuant to the provisions of Section 30(a) of Article VI of the Missouri Constitution shall pay fifty percent (50%) of the fees set forth in Appendix A from August 28, 2000 through September 30, 2001. Beginning October 1, 2001, customers of such districts shall pay one hundred percent (100%) of such fees.]

*[(D)]***(C)** Five percent (5%) of the fees collected pursuant to subsections (2)(B) and (C) of this rule shall be retained by the city, public sewer district, public water district**,** or other publicly-owned treatment works as reimbursement of billing and collection expenses.

*[(E)]***(D)** All persons who require permits, other than a general permit, for facilities that do not normally discharge such as land application facilities, sludge disposal facilities, agrichemical facilities**,** and no-discharge facilities are subject to fees as follows**:**

1. Fees are based on the design flow of the wastewater being handled; and

2. Fees for sludge or solids disposal facilities are based on the combined total design flow of the wastewater treatment facilities from which the sludge or solids are removed.

*[(3)]***(4)** General Permits and Fees.

(A) Persons with more than one (1) point source shall obtain a general permit for each point source or specific area. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases.

(B) The department may issue general permits for the following types of discharges: storm water releases from limestone quarries; hydrostatic pressure checks of pipelines, tanks and related equipment; potable water treatment plants; private trout farms or hatcheries for flow through spring water; swimming pool discharges; emergency spill cleanup sites; storm water releases from facilities that store less than fifty thousand (50,000) gallons of petroleum with no other wastewater; storm water releases from municipalities and industries; domestic wastewater treatment facility with a flow of less than fifty thousand gallons per day (50,000 gpd), *[except for facilities requiring mechanical aeration, clarification and regular sludge removal for proper operation;]* and clay pits or gravel washing operations.

(C) The department may issue general permits for the following types of discharges within a given specific area: storm water release points owned or operated by a utility company (a permit will be issued for each county, or the City of St. Louis, in which the utility operates); intermittent releases from the maintenance dredging of lakes owned or controlled by a city, local unit of government**,** or home owners association within their boundaries.

[(D) For general permits issued pursuant to this section and in effect on August 27, 2000, the permittee will be credited thirty dollars ($30) on each anniversary date of permit issuance that falls between August 27, 2000 and the date the permit expires.]

*[(4)]***(5)** Construction Fees.

(A) Construction permit fees shall be tendered together with the construction permit application. Incomplete construction permit applications and related engineering documents will be returned by the department if they are not completed in the time frame established by the department in a comment letter to the owner. Construction permit fees for returned applications shall be forfeited.

(B) Application fees for construction applications being processed by the department that are withdrawn by the applicant shall be forfeited.

(C) Fees for construction permit applications for modification to an existing sewage treatment plant shall be based on the design flow of the plant after the modifications are completed.

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APPENDIX A Operating permit—section 644.052, RSMo Human sewage discharges—annual fees
$100 for a design flow, or an adjusted design flow, under 5,000 gallons per day (gpd)
$150 for a design flow between 5,000 and 5,999 gpd
$175 for a design flow between 6,000 and 6,999 gpd
$200 for a design flow between 7,000 and 7,999 gpd
$225 for a design flow between 8,000 and 8,999 gpd
$250 for a design flow between 9,000 and 9,999 gpd
$375 for a design flow between 10,000 and 10,999 gpd
$400 for a design flow between 11,000 and 11,999 gpd
$450 for a design flow between 12,000 and 12,999 gpd
$500 for a design flow between 13,000 and 13,999 gpd
$550 for a design flow between 14,000 and 14,999 gpd
$600 for a design flow between 15,000 and 15,999 gpd
$650 for a design flow between 16,000 and 16,999 gpd
$800 for a design flow between 17,000 and 19,999 gpd
$1,000 for a design flow between 20,000 and 22,999 gpd
$2,000 for a design flow between 23,000 and 24,999 gpd
$2,500 for a design flow between 25,000 and 29,999 gpd
$3,000 for a design flow between 30,000 gpd and 1 million gallons per day (1 mgd)
$3,500 for a design flow 1 mgd and above

Sewer connection fees
Residential connections
$0.40 per connection for service areas having > 35,000 customers
$0.50 per connection for service areas having 35,000–20,001 customers
$0.60 per connection for service areas having 20,000–7,001 customers
$0.70 per connection for service areas having 7,000–1,001 customers
$0.80 per connection for service areas having < 1,000 customers
Industrial/commercial connections
$3 per connection to public water service lines ≤ 1 inch in diameter or per connection to a private water supply system
$10 per connection to public water service lines > 1 inch and ≤ 4 inches in diameter
$25 per connection to public water service lines > 4 inches in diameter
Maximum fee to each industrial/commercial facility is $700
Size of the connections shall be measured at the service meter
Taps for fire suppression and irrigation systems are excluded

Industrial discharges—annual fees for site-specific permits
Discharges covered by section 644.052.4, RSMo
$3,500 for a design flow under 1 mgd
$5,000 for a design flow of 1 mgd or more
Discharges covered by section 644.052.5, RSMo
$1,350 for a design flow under 1 mgd
$2,350 for a design flow of 1 mgd or more
$5,000 for discharges from concentrated animal feeding operations

General permits—permit and annual fees
$300 for the discharge of storm water from a land disturbance site
$50 annually for the operation of a chemical fertilizer or pesticide facility
$150 for the operation of an animal feeding operation or a concentrated animal feeding operation
$150 annually for new permits for the discharge of process wastewater or storm water potentially contaminated by activities not included in the categories above. The fee shall be reduced to $60 annually after the permit's first renewal

Construction permits—section 644.053, RSMo
$750 for a wastewater treatment plant under 500,000 gpd design flow
$2,200 for a wastewater treatment plant of 500,000 gpd or more
$75 for sewer extension under 1,000 feet long
$300 for a sewer extension over 1,000 feet long or the construction of a lift station
Permittees proposing to build under more than one (1) construction unit are only required to pay the highest fee

Permit Modifications—section 644.052.7 and 644.052.8
$200 for modifications to permits on public entities collecting service connection fees under subsections (2)(B) and (2)(C)
All other permits—25% of annual permit fee

Variances—section 644.061.4
$250 for each petition

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AUTHORITY: section 644.054, RSMo 2000. Emergency rule filed July 27, 1990, effective Sept. 12, 1990, expired Jan. 10, 1991. Original rule filed July 17, 1990, effective Dec. 31, 1990. Amended: Filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed Nov. 22, 1991, effective May 14, 1992. Amended: Filed Nov. 9, 2000, effective July 30, 2001. Amended: Filed Sept. 16, 2013.

PUBLIC COST: The projected additional revenue loss (costs) to the Department of Natural Resources is one hundred thousand five hundred dollars ($100,500). This revenue loss is the estimated cost to comply in the aggregate and is expected to recur. The projected additional revenue to the department is $1,993,645. The projected additional cost to the customers of public entities and political subdivisions is one hundred twenty-two thousand six hundred sixty-six dollars ($122,666). These are the estimated costs to comply in the aggregate and are expected to recur. The projected additional savings to the public entities is four thousand seven hundred eighty-three dollars ($4,783).

PRIVATE COST: The projected additional private cost is $1,870,979. This is the estimated additional cost of compliance in the aggregate and is expected to recur. The projected additional private savings is ninety-five thousand seven hundred seventeen dollars ($95,717).

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, John Madras, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to john.madras@dnr.mo.gov. Public comments must be received by November 13, 2013. The public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9 AM, on November 6, 2013, at the Department of Natural Resources, Lewis and Clark State Office Building, LaCharrette/Nightingale Conference Rooms, 1101 Riverside Drive, Jefferson City, Missouri 65101.

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Natural Resources
Division Title: Division of Environmental Quality
Chapter Title: Permits

Rule Number and Name:	*10 CSR 20-6.011*
Type of Rulemaking:	*Rule Amendment*

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
No direct costs to DNR to implement rule.	**Estimated Additional Cost of Compliance in the Aggregate:**
The Dept. of Natural Resources permits both public and private entities – ***Construction Permits*** – 80 avg. # permit applicants per year ***Site Specific*** – 55 avg. # permit applicants per year ***Other Fees*** – 40 avg. # permit applicants per year	***Lost Revenue Per Year*** *Projected Additional Revenue Loss: $41,500* *Projected Additional Revenue Loss:$55,000* *Projected Additional Revenue Loss: $4,000* *Total Revenue Loss: $100,500*
Other State Agencies & Other Political Subdivisions; City Government, Municipal Districts or other public entities ***Construction Permits*** - 133 avg. # permit applicants per year ***General Permits*** - 111 avg. # permit applicants per year ***Other Fees*** – 64 avg. # permit applicants per year	***Estimated Cost of Compliance*** *Projected Additional Costs:$26,034* *Projected Additional Costs: $ 86,382* *Projected Additional Costs: $10,250* *Total Additional Costs: $122,666*
Dept. Natural Resources and Other State Agencies &Political Subdivisions	**FY 2017 Additional Cost of Compliance in the Aggregate:** **$100,500 (Dept. revenue loss) & $122,666 (the other public costs) expected to recur** **Note: FY2016 Additional Cost of Compliance in the Aggregate for the partial fiscal year, is ½ of FY2017revenue loss for the Dept. and the Cost of Compliance for Other Public State Agencies**

III. WORKSHEET

Department of Natural Resources

Permits	Projected Additional Revenue Loss
Construction	$41,500
Site-Specific	$55,000
Other Fees	$4,000
Total	$100,500

Other State Agencies & Political Subdivisions

Permits	Projected Additional Costs
Construction	$26,034
General	$86,382
Other/Fees	$10,250
Total	$122,666

***Projected Additional Public Savings: $4,783**

***Although there are some projected savings for the Other State agencies & Political Subdivisions, there is an overall increase in costs is $122,666.**

For detailed information displayed in the Water Protection Program's Rules In Development web page see the electronic spreadsheet at http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm for the "Projected Fee Revenues for the Water Protection Program for 2013 for 10 CSR 20-6.011 Fees Rule Amendment" The electronic spreadsheet displays the overall current fee structure, the proposed fee structure as recommended, permit type, and the average number of permits per year. The number of applicants is stated as a public or private percentage of the total number of permit applicants for any one type of permit. All projected revenues to the Department are calculated by multiplying the proposed permit fee amounts by the average number of applicants per year.

Revenues to the Department are costs to the public and private sectors. A savings to the public or private sector, are loss revenues (costs) to the Department.

IV. ASSUMPTIONS

This public fiscal note assumes that the proposed fees to be paid by the public entities to the Department are essentially the *costs of the projected revenues* as displayed in the electronic spreadsheet at http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm.

The projected additional revenue lost to the Department, $100,500, is a projected additional savings to public and private permittees. The projected additional cost to the public agencies and political subdivisions, $122,666, is projected additional revenue to the Department.

The projected additional revenue to the Department each year is $1,993,645, while the total projected revenue to the Department, $6,773,686, per year, the revenue affect. For those interested, total projected revenue details may be viewed in the electronic spreadsheet.

Summary –

The clean water fee structure has not been revised since 2000, but has received a number of extensions from the legislature. The Department met several times with stakeholders over the past two years presenting information on clean water activities, expenditures and funding sources. Clean water fee recommendations are the basis for this public fiscal note. The recommendations include changes to fees and changes to construction permits.

The fee setting process through Commission rulemaking, as established this year in HB 28, is a cyclical process that may be revisited for adjustment through 2023.

The Department is responsible for the implementation of the federal clean water act, as well as the Missouri clean water law. The most visible aspects of these duties are permitting, inspection and enforcement, as these involve direct interactions between the department and the regulated community. The Department's responsibilities also include water quality monitoring and analysis, technical assistance and education, as well as administration of the state revolving loan fund.

Over time, changes to the federal clean water act lead to more responsibilities, the most significant of which is stormwater management, more extensive permitting and, the nonpoint source management effort. Also, the Department's staffing costs have increased over time as well.

Although EPA has previously allowed flexibility in spending funds allocated to other sections within the Clean Water Act, continued flexibility is limited.

In this public fiscal note, the revenue loss of $100,500 to the Department through construction permits no longer required accounts for only a small reduction of the projected Annual Average Shortfall, of $2,944,036, the additional amount needed to fully fund clean water activities. While the revenues from the recommended fee structure reduce the shortfall, it is not eliminated. The Department has based this shortfall calculation on average annual revenues from all sources over a four year period.

The projected additional costs to other state agencies and political subdivisions or, $122,666 (revenue paid to the Department) is the result of the recommended fee structure as proposed for construction, general, and other fee types. Antidegradation is included with the construction permits because of the overlap between the construction permits and those undergoing anti-degradation review.

Department's Loss of Revenues **–**

Construction Permits – Sewer Extensions – There are projected additional cost for some of the public construction permits, due to fee increases.

Other Sewer Extensions – Construction sewer extensions other – The same fee is proposed and, therefore there is no additional projected revenue.

Ag-Chem and CAFOs – Construction permits for Ag-Chemical and CAFOs (Concentrated Animal Feeding Operations) are no longer required.

Site-Specific – Domestic Sewage Non-POTWs (Non-Publicly Owned Treatment Works) – A minor clean water fee loss revenue to the Department is due to the consolidation of some fees, although overall there is an increase in revenue from this sector.

Other Fees – POTW Minor Modification fees and other fees have decreased. Iscal Note

Other State Agencies and Other Political Subdivisions; City Government, Municipal Districts or other public entity costs **–**

Construction Permits – Wastewater Treatment – Clean water fees have been increased for construction permits, which is a cost to the public entities.

Antidegradation Reviews – Reviews for construction permits are an additional cost to the public sector.

General Permits – Public Land Disturbance – Public land disturbance fees have increased based on estimated total acreage.

The General Permit for Pesticide applicator permits remain the same, which is used a small number of public agencies.

Other Fees **– Water Quality Certifications 401-404 Major Modification and MS4s fees, for general stormwater permits are increased, a cost to the public.**

The cost to the public and, or private sectors to comply with the new fees is the *costs of the projected revenue*, or, the revenue affect. The Department's projected revenues (costs to the public or private entities) may be viewed in detail in the electronic spreadsheet at http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm.

FISCAL NOTE
PRIVATE COST

I. Department Title: Department of Natural Resources
Division Title: Division of Environmental Quality
Chapter Title: Permits

Rule Number and Title:	10 CSR 20-6.011 Fees
Type of Rulemaking:	Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	**Classification by types** of the business entities which would likely be affected:	**Estimate in the aggregate as to the cost of compliance** with the rule by the affected entities:
Estimated Private Entities **Total 383**	**Construction Permits** **Sewer Extensions or Other Extensions** **Wastewater Treatment** **< 500,000 or** **≥ 500,000** **Ag Chem & CAFO** **Antidegradation Water Quality Reviews**	**Estimate in the Aggregate** **Projected Additional Cost of Compliance:** **$28,566**
Estimated Private Entities **Total 1,654,581**	**Private Service Connections to Publicly Owned Treatment Works** **Residential** **Industrial/Commercial**	**Estimate in the Aggregate** **Projected Additional Cost of Compliance: $174,676**
Estimated Private Entities **5,367**	**General Permits** **Land Disturbance** **Land Disturbance - Multiple Sites** **Domestic Wastewater** **Pesticide Applicators** **Other - Car Washes, Limestone Quarries, Petro Storage, Metal Fabrication, etc.**	**Estimate in the Aggregate** **Projected Additional Cost of Compliance:** **$1,172,962**

	CAFO NPDES & MSOP Stormwater-*excludes MS4 communities*	
Estimated Private Entities **2,420**	**Site-Specific** **Industrial Process Flows** **Industrial Stormwater Only** **Domestic Sewage**	**Estimate in the Aggregate** **Projected Additional Cost of Compliance: $443,900**
Estimated Private Entities **606**	**Other Fees** **Section 401/404 Certification Fees, Minor** **Permit by Rule - Hydro-static Testing** **Permit Modifications** **CAFO NPDES Class 1A Other Site-Specific, Major Mods & Minor Mods** **Permit Variance**	**Estimate in the Aggregate** **Projected Additional Cost of Compliance: $ 50, 875**
Estimated Total # All Fees & Permits **1,663,357**	**Private Permitted Entities**	**FY2017 Total Projected Additional Costs of Compliance expected to recur: $ 1,870,979**
		Note: FY2016 Total Partial Projected Additional Costs of Compliance, equal to ½ yr. $ 935,490

III. WORKSHEET Permit Private Entities

Permit Types	**Projected Additional Costs**
Construction	**$28,566**
***Savings**	**($40,717)**
Service	**$174,676**
General	**$1,172,962**
Site-Specific	**$443,900**
***Savings**	**($55,000)**

Other	**$50,875**

	Total Projected Additional Costs
All Private, Fees & Permits	**$1,870,979**

Projected Additional Savings to Private Entities:

$95,717

Information on the Projected Clean Water Fee Revenues for the "Water Protection Program for 2013 for 10 CSR 20-6.011 Fees Rules Amendment" may be viewed as an electronic spreadsheet on the Water Protection Program's Rules In Development web page at http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm. The Water Protection Program's electronic spreadsheet displays the proposed fee structure as recommended, including the overall current fees for permit type, average number of permits per year, and proposed fees, and projected additional revenues. The Department's additional projected revenues from the private sector are the additional projected costs to the private entities.

***A savings to the private sector is a revenue loss to the Department.**

IV. ASSUMPTIONS

This private fiscal note assumes that the proposed clean water fees to be paid by the private entities to the Department are essentially the *costs of the projected revenues* as displayed in electronic spreadsheet.

All proposed fees and, the average number of private permit applicants per year are displayed in the excel spreadsheet. The costs to the private entities are calculated by multiplying the proposed fee amounts by the number of private permit applicants per year. The projected additional revenues to the Department from the private sector are the projected additional costs to the private sector. Projected additional costs to the private sector are the Estimated Costs in the Aggregate. The footnotes in the electronic spreadsheet provide additional details.

Summary –

Pursuant to HB 28 (2013), the clean water fee setting process through Clean Water Commission rulemaking is a cyclical process that may be revisited for adjustment in odd numbered years through 2023.

There are two types of permits issued by the department, construction and operating, as well as water quality certifications. Construction permits involve review and approval of engineering plans and specifications to assure that wastewater facilities are properly designed. Operating permit reviews involve site-specific and general permits that establish effluent limitations for particular discharges. Water quality certifications are issued for projects requiring federal permits or licenses that may have impacts on water quality.

To maintain delegation of the federal clean water act in Missouri from the U.S. Environmental Protection Agency, the Department must have a program that is robust enough to ensure regulated entities comply with the law. In this proposed fee structure as recommended, the Department recognizes some applicants, as exempted by statute, are assuming the responsibility to build and design their facilities in conformance with state and federal requirements.

Stakeholder interest in expedited permits centers on construction permits and initial operating permits because these permits are necessary for private parties to build and operate facilities to enact their business plans. The electronic spreadsheet on the Department's Rules in Development web site identifies future private construction permit classes exempt from fees, namely, the private industrial facilities and small sewer extensions.

***Private Cost or Savings in the Department's recommended fee structure* –**

Construction Permits – Cost savings accrue to some sewer facility construction activities that are no longer are required to apply for a construction permit.

Wastewater Treatment – Wastewater treatment plants, in line with their design flows have operating fee increases. This excludes the largest Concentrated Animal Feeding Operations, which are capped at $5000.

Antidegradation Reviews – These reviews are charged on a sliding scale and are new costs to permit applicants who may request anti-degradation review, which are required for new or expanded discharges.

Connection fee to publicly owned treatment works (POTWs) – Individuals connected to POTWs pay connection fees to the state, 5% of which are retained by the POTW for administration costs. These fees are increased 20% but are capped at $0.80 per year for the smallest systems.

Industrial /Commercial Connections – Fees for connections, depending on the length of the service line, have remained the same, or, have increased.

***General Permits* –**

Land Disturbance – Fees are now paid on a sliding scale, the more acres disturbed the higher the cost incurred.

Multiple-site Permits – Fee costs for a permit issued to a private entity for multiple sites, is paid based upon the estimated acreage of all of the sites, on a graduated fee scale. No private total projected additional revenue for general permits for private parties is projected currently, although fees are proposed.

Domestic Wastewater – The general permit for small Domestic Wastewater is not addressed.

The fee for the Pesticide Applicators remains the same.

General Permits Other – Fees

Fees for car washes, limestone quarries, petroleum storage and metal fabrication, etc. have increased.

NPDES CAFO – Nation Pollution Discharge Elimination System, CAFO (Concentrated Feeding Operations) permit fees for CAFO 1A remains the same, while NPDES CAFO 1B, 1C /II, and MSOP 1B, and MSOP 1C/11, fees are proposed on a sliding scale.

General Stormwater –Permitting fee has been increased, excluding MS4s communities

Site-Specific Permits –

Industrial Process Flows – Fees for the Categoricals and Non-Categoricals have increased, with the exception of the larger categorical where the fee is capped at $5,000 by statute.

Industrial Stormwater – Fees for the industrial stormwater permits have increased.

Domestic Sewage Sludge Non-POTWs – Fees have increased, with the exception of one Non-POTW permit, where the fee has decreased, (a savings to this permit applicant) due to consolidation of the Non-POTW fees along a sliding scale.

Other Fees –

Section 401/404 Water Quality Certification Fees are required for projects under federal permits or licenses. Both minor and major certifications have an increased fee due to the level of service required. The CAFO General Permit Major modification no longer requires a construction permit, although the operating permit must be modified. Some site-specific major modifications remain the same while other site-specific minor modifications are now charged a flat fee. The Permit by Rule fee has been increased.

The Permit Variance fee remains the same. No additional projected revenue is expected.

Cost Savings provided through technological improvement in the Department's operations–

Expedited permitting will, in many cases, help the Department to issue permits within the regulated deadlines. For instance e-permitting, recently available for land disturbance permits, is a significant time saving for the permit applicant.

Centralization as opposed to regional permitting will, and has, sped up the issuance of the site-specific permit. Newly implemented and future efficiencies and expedited permit processes are expected to help the department sustain and improve permit timeliness.

The Department and regulated entities have found that the current pre-review and exchange of information processes have been instrumental in working out potential issues and in avoiding unnecessary appeals, saving costs and time in permitting and, are a good use of fee revenues by the Department.

The Department must respond to any operation alleged to be causing pollution. Preventing pollution and, pollution control are the most important reasons why a viable clean water fee structure is necessary.

Many stakeholder meetings supported open discussions between stakeholders and department staff. Meetings were open to the public and streamed live over the internet over a period of about two years, and the presentations and videos from the meetings remain available online.

The fiscal focus is on the costs to conduct clean water activities for both private (and public) permit holders, as well as activities that are not regulated through permits. The proposed clean water fees structure helps to make up for the shortfall in clean water funding. Funding from other sources has been used to meet immediate needs. While EPA has previously allowed flexibility in spending funds allocated to other sections within the Clean Water Act, continued flexibility may be limited, and federal support for programmatic work has also decreased.

The private projected additional costs of, $ 1,870,979, will be paid by private entities. This provides most of the total $1,983,645 projected additional revenues to the Department to help fund the state clean water programs. Projected Additional Savings to private entities are $95,717. The private total projected cost is $6,561,591. The private total projected additional cost to comply provides most of the total projected revenue to the Department, $6,773,686.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

PROPOSED RULE

11 CSR 75-17.010 Minimum Training Standards for School Protection Officer Training Centers

PURPOSE: This rule details the minimum training standards for School Protection Officer Training Centers.

(1) Only those basic training centers licensed pursuant to 11 CSR 75-14.010–14.080, and those Continuing Law Enforcement Education providers licensed pursuant to 11 CSR 75-15.030, shall be approved to deliver the School Protection Officer Training Program.

AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. Original rule filed Aug. 23, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Jeremy Spratt, Missouri Department of Public Safety, Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

PROPOSED RULE

11 CSR 75-17.020 Minimum Training Standards for School Protection Officer Training Instructors

PURPOSE: This rule details the minimum training standards for School Protection Officer Training Instructors.

(1) Only those instructors licensed as basic training instructors pursuant to 11 CSR 75-14.050(3), 11 CSR 75-14.070, and 11 CSR 75-14.080, shall be approved to deliver the School Protection Officer Training Program.

AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. Original rule filed Aug. 23, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Jeremy Spratt, Missouri Department of Public Safety, Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

PROPOSED RULE

11 CSR 75-17.030 Minimum Training Standards for School Protection Officers

PURPOSE: This rule details the minimum training standards for School Protection Officers.

(1) Applicants seeking to be designated a School Protection Officer, pursuant to section 590.205, RSMo, must—

(A) Successfully complete a one hundred twelve (112) hour School Protection Officer Training Program; or

(B) Successfully graduate from a Missouri basic training center licensed pursuant to 11 CSR 75-14.010, having completed a minimum of six hundred (600) hours of basic law enforcement training certified pursuant to 11 CSR 75-14.040; or

(C) Have been issued a Class A peace officer license under the Veteran Peace Officer Police Scale pursuant to 11 CSR 75-13.060.

(2) Applicants who have had their peace officer license revoked are not eligible to be designated a School Protection Officer.

(3) The one hundred twelve (112) hours of instruction for School Protection Officers is derived, in part, from the mandatory learning objectives for the six-hundred (600) hour basic training curriculum outlined in 11 CSR 75-14.030, and shall cover the following subject areas:

(A) 303 - Justification - Use of Force - 8 hours
(B) 809 - Emergency Response/Building Searches - 9 hours
(C) 812 - Survival Mentality - 4 hours
(D) 1502 - Handcuffing and Restraint Devices - 4 hours
(E) 1506 - Weapons Retention and Disarming - 8 hours
(F) 1507 - Ground Fighting Techniques - 8 hours
(G) 1601 - Fundamentals of Marksmanship - 2 hours
(H) 1602 - Shooting Stance/Loading/Dry Fire - 4 hours
(I) 1603 - Skill Development - Handgun - 22 hours
(J) 1604 - Handgun Qualification - 4 hours
(K) 1608 - Stress Combat Courses - 8 hours
(L) 1610 - Shooting Decisions - 6 hours
(M) Basic First Aid/CPR - 8 hours
(N) Combat First Aid - 4 hours
(O) Practical Application Scenarios - 13 hours

(4) To be eligible for graduation from the School Protection Officer Training Program, trainees shall—

(A) Be tested for mastery of each subject area. A written or practical examination may test more than one (1) subject area simultaneously.

1. A trainee who achieves less than seventy percent (70%) on any written examination may, at the discretion of the training center

director or Continuing Law Enforcement Education provider, retake the examination one (1) time.

2. Mastery of firearms shall be tested by practical examination and scored on a numerical scale from zero (0) to one hundred (100). Supplemental written examinations are permitted, but the overall firearms score required for graduation pursuant to paragraph (4)(C)4. of this rule shall be based solely upon the practical examinations. The final grade of the firearms practical examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, be recorded as a pass or fail.

3. Mastery of any training subject areas requiring a trainee to perform a demonstrative skill, including Practical Application Scenarios, shall be tested by practical examination and may be graded on a numerical scale from zero (0) to one hundred (100) or on a pass/fail basis.

A. A trainee who achieves a failing score on an objective graded pass/fail basis may, at the discretion of the training center director or Continuing Law Enforcement Education provider, reattempt the objective one (1) time.

B. A trainee who achieves less than seventy percent (70%) on the firearms practical examination may, at the discretion of the training center director or Continuing Law Enforcement Education provider, retake the practical examination one (1) time. The highest score that may be awarded on a retake examination is seventy percent (70%).

C. The determination to grade an objective pass/fail shall be made before the start of the training course.

(B) Attend at least ninety-five percent (95%) of the total contact hours of the mandatory basic training curriculum and make up any missed hours in a manner that ensures that the trainee develops a thorough understanding of the mandatory learning objectives that were missed.

(C) Achieve—

1. A score of no less than seventy percent (70%) on each written exam;

2. A final, overall score of no less than seventy percent (70%) for all written exams;

3. A passing score on each objective graded pass or fail; and

4. An overall firearms score of no less than seventy percent (70%).

AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. Original rule filed Aug. 23, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Jeremy Spratt, Missouri Department of Public Safety, Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 17—School Protection Officers

PROPOSED RULE

11 CSR 75-17.040 Minimum Continuing Education Training Standards for School Protection Officers

PURPOSE: This rule details the minimum continued training standards for School Protection Officers.

(1) To maintain their designation, School Protection Officers shall—

(A) Successfully complete a minimum of twelve (12) hours of annual training. Eight (8) hours of this training shall have a primary focus of responding to active school shootings and shall be delivered by a local, county, or state law enforcement officer qualified to offer a response to active shooter course and who is in possession of a valid peace officer license. The remaining four (4) hours of training shall have a primary focus of weapon retention, firearms skill development, defensive tactics, ground fighting, and handcuffing and restraint devices. The four (4) hours of training shall be delivered by a local, county, or state law enforcement officer qualified to offer this type of training and who is in possession of a valid peace officer license.

(B) On a quarterly basis, successfully complete a firearm qualification course using the same firearm used in the performance of their duties as a School Protection Officer. This course can be delivered by any local, county, or state law enforcement officer qualified to offer a firearm qualification course and who is in possession of a valid peace officer license.

(C) Maintain a secondary/third-party First Aid/CPR certification.

(2) Written documentation of the completion of the twelve (12) hours of annual training, successful quarterly firearm qualification, and a current copy of his/her secondary/third-party First Aid/CPR certification must be maintained by the school where the School Protection Officer is employed for a period of three (3) years from the date the training, qualifications, and certifications were successfully completed.

AUTHORITY: section 590.205, CCS/HCS/SCS/SB 42, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 23, 2013, effective Sept. 2, 2013, expires Feb. 28, 2014. Original rule filed Aug. 23, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Jeremy Spratt, Missouri Department of Public Safety, Peace Officer Standards and Training (POST) Program Manager, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle

PROPOSED RULE

12 CSR 10-23.500 Optional Second Plate for Commercial Motor Vehicles

PURPOSE: This rule establishes how the Department of Revenue will distinguish the optional second license plate for commercial motor vehicles and sets the fee authorized by section 301.130, RSMo, as amended by House Committee Substitute for House Bill 349, enacted by the 97th General Assembly, 2013.

(1) When a person registers a property-carrying commercial motor vehicle licensed in excess of twelve thousand (12,000) pounds and requests two (2) license plates, the director of revenue shall issue a second plate to be attached to the rear of the vehicle. The rear plate shall contain a sticker in the upper right corner to distinguish the difference between the front and rear plate and to alert law enforcement that the owner is required to have two (2) license plates.

(2) The fee for the optional second license plate for a commercial motor vehicle is eight dollars and fifty cents ($8.50).

AUTHORITY: section 301.130, HCS for HB 349, First Regular Session, Ninety-seventh General Assembly, 2013. Emergency rule filed Aug. 19, 2013, effective Aug. 29, 2013, expires Feb. 27, 2014. Original rule filed Aug. 19, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities twelve thousand seven hundred fifty dollars ($12,750) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: 12 - Department of Revenue
Division Title: 10 - Director of Revenue
Chapter Title: 23 – Motor Vehicle

Rule Number and Title:	12 CSR 10-23.500 Optional Second Plate for Commercial Motor Vehicles
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,500	**Individual Consumers**	**$12,750**

III. WORKSHEET

Took the estimated number of entities and multiplied by $8.50, the fee for the optional second plate. 1,500 X 8.50 = $12,750.

IV. ASSUMPTIONS

In order to determine a revenue impact as a result of transaction fees collected by the Department when processing the optional second plate, the Department is estimating that 1,500 of registered commercial motor vehicles in excess of 12,000 pounds will purchase the optional second plate.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 15—Initiative, Referendum, New Party and Independent Candidate Petition Rules

PROPOSED AMENDMENT

15 CSR 30-15.010 Signature Verification Procedures for Initiative, Referendum, New Party and Independent Petitions. The secretary is amending sections (1) and (3).

PURPOSE: The purpose of this amendment is to ensure uniform, complete, and accurate checking of initiative and referendum petition signatures. This rule provides for uniform determination of whether signatures are those of legal voters as required in Article III, Section 50 of the Missouri Constitution. The Missouri Constitution and Chapter 116, RSMo, provide that registered voters may sign initiative and referendum petitions. This amendment clarifies that voters who were properly registered within a local election authority's jurisdiction on the date the voter signed the petition are included in the total of that local election authority.

(1) Voter signatures will be rejected if—

(A) They list an address outside of the county as indicated on the petition **except as provided in subsection (2)(B) and (3)(F) of this section**; or

(3) Voter addresses will be accepted if they meet one (1) or a combination of the following categories:

(D) The address as listed on the petition was the voter's registered address on the date the petition was signed; *[or]*

(E) The address listed on the petition is different from the address on the voting rolls but within the county named at the top of the page, provided that the local election authority who maintains the registration record of such person shall compare and determine that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who is registered to vote within the jurisdiction. If otherwise valid, the signature of an individual whose address is acceptable under this subsection (3)(E) shall be counted in the totals of the local election authority who has jurisdiction over the address listed on the petition*[.]***; or**

(F) The address listed on the petition is different from the address on the voting rolls but the voter was registered to vote within the county named at the top of the page on the date the petition was signed, provided that the local election authority who maintains the registration record of such person shall compare and determine that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who was registered to vote within the jurisdiction on the date the petition was signed. If otherwise valid, the signature of an individual whose address is acceptable under this subsection (3)(F) shall be counted in the totals of the local election authority who has jurisdiction over the address named at the top of the petition page.

*AUTHORITY: section[s] 115.335.7, RSMo [Supp. 1998] **2000,** and **section** 116.130.5, RSMo Supp. [1999] **2012**. Original rule filed Nov. 22, 1985, effective March 24, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 30, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, c/o Dee Dee Straub, 600 West Main St., Jefferson City, MO 65101 or by email at deedee.straub@sos.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 15—Initiative, Referendum, New Party and Independent Candidate Petition Rules

PROPOSED AMENDMENT

15 CSR 30-15.020 Processing Procedures for Initiative, Referendum, New Party and Independent Candidate Petitions. The secretary is amending section (1).

PURPOSE: This amendment is to ensure uniform, complete, and accurate checking of initiative and referendum petition signatures. This rule provides for uniform processing of petitions once a determination has been made as to the validity of a name on a petition. This rule provides for uniform determination of whether signatures are those of legal voters as required in Article III, Section 50 of the Missouri Constitution. The Missouri Constitution and Chapter 116, RSMo, provide that registered voters may sign initiative and referendum petitions. This amendment clarifies that voters who were properly registered within a local election authority's jurisdiction on the date the voter signed the petition are included in the total of that local election authority. This amendment also clarifies each previously referenced acronym.

(1) Each local election authority shall check each signature designated by the secretary of state against voter registration records and annotate each signature, according to their findings in red ink in the left margin, on the copies of petition pages sent to him/her in the following manner:

(A) If the name, address and signature are acceptable pursuant to 15 CSR30-15.010 **"**R**" to denote "Registered"**;

(B) Where possible, if the voter's address on an "R" designated signature is acceptable pursuant to 15 CSR 30-15.010 (3)(F), where the address listed on the petition is different from the address on the voting rolls but the voter was registered to vote within the county named at the top of the petition page on the date the petition was signed, and the local election authority determined that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who was registered to vote within the jurisdiction on the date the petition was signed, the local election authority listed on the top of the petition page shall designate the signature as "R";

*[(B)]***(C)** Where possible, if the voter's address on an "R" designated signature is acceptable pursuant to 15 CSR 30-15.010 (3)(E), where the address listed on the petition is different from the address on the voting rolls but within the county named at the top of the page, and the local election authority determined that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who is registered to vote within the jurisdiction, the local election authority shall add to the "R" designation **"**DA" (i.e., **"**RDA**" to denote "Registered, Different Address"**);

*[(C)]***(D)** If the name on the petition does not appear in the election authority's registration file as an eligible voter in that jurisdiction **"**NR**" to denote "Not Registered"**;

*[(D)]***(E)** If the address on the petition is not an address within the county named at the top of the petition page **except as provided in**

15 CSR 30-15.010 and subsection (1)(B) of this section "WA**" to denote "Wrong Address"**;

*[(E)]***(F)** If the name and address are acceptable pursuant to 15 CSR 30-15.010, but the signature appears different than that on file with the election authority **"**WS**" to denote "Wrong Signature"**;

*[(F)]***(G)** If a name selected in a random sample for a particular congressional district is actually in another district in the county and otherwise properly registered **"**OD**" to denote "Other District"**; and

*[(G)]***(H)** If a person is registered, but the correct congressional district is not indicated on the petition, the incorrect number should be crossed out and the correct number entered in the right margin.

AUTHORITY: section[s] 115.335.7, RSMo [Supp. 1998] 2000, and section 116.130.5, RSMo Supp. [1999] 2012. Original rule filed Nov. 22, 1985, effective March 24, 1986. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Aug. 30, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, c/o Dee Dee Straub, 600 West Main St., Jefferson City, MO 65101 or by email at deedee.straub@sos.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

PROPOSED AMENDMENT

15 CSR 30-90.010 Definitions. The division is deleting subsection (1)(G), amending (1)(W), adding (1)(O) and relettering as needed.

PURPOSE: This amendment is to update language within the rule to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. Specifically, House Bill 212 amended section 400.9-518, RSMo to change the term "correction statement" to "information statement."

(1) As used in this chapter, the following terms mean:

[(G) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed;]

*[(H)]***(G)** "Fees" include all fees required by statute, including fees for the Technology Trust Fund;

*[(I)]***(H)** "File number" shall have the meaning prescribed by section 400.9-519, RSMo;

*[(J)]***(I)** "Filing office" means the appropriate place for filing UCC documents at the Office of the Secretary of State or county recorder of deeds;

*[(K)]***(J)** "Filing officer" means the secretary of state or the county recorders of deeds;

*[(L)]***(K)** "Filing officer statement" means a statement of correction entered into the filing office's information system to correct an error by the filing office;

*[(M)]***(L)** "Financing statement" shall have the meaning prescribed by section 400.9-102, RSMo;

*[(N)]***(M)** "Image" means the image of a document as stored in the UCC information management system;

*[(O)]***(N)** "Individual" means a human being, or a decedent who was a debtor;

(O) "Information statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed;

(W) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a**n** *[correction]* **information** statement and shall not be deemed to refer exclusively to paper or paper-based writing; and

AUTHORITY: section 400.9-526, RSMo Supp. [2001] 2012. Original rule filed Sept. 30, 2002, effective March 30, 2003. Emergency amendment filed Aug. 16, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. Amended: Filed Aug. 16, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, c/o Bridget Williams, 600 West Main St., Jefferson City, MO 65101 or by email at bridget.williams@sos.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

PROPOSED AMENDMENT

15 CSR 30-90.090 Refusal to File; Cancellation; Defects in Filing. The division is amending section (8), amending and renumbering current sections (9) and (10), and adding a new section (9).

PURPOSE: This amendment is to update language within the rule to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. Specifically, House Bill 212 amended section 400.9-518, RSMo to change the term "correction statement" to "information statement." The bill also expanded the terms under which the secretary of state shall cancel a previously filed record.

(8) The secretary of state shall cancel a previously filed record if*[:]*—

(A) A**n** *[correction]* **information** statement alleging that a previously filed record was wrongfully filed and that it should have been rejected under section (7) of this rule;

(B) Such *[correction]* **information** statement includes a written certification, under oath, by the person that the contents of the *[correction]* **information** statement are true and accurate to the best of the person's knowledge; and

(9) The secretary of state shall cancel a previously filed record if—

(A) An information statement alleging that the person who filed the record was not entitled to do so under section 400.9-509(d);

(B) The person filing the information statement is a secured party of record with respect to the financing statement to which the record relates;

(C) Such information statement includes a written certification, under oath, by the person that the contents of the information

statement are true and accurate to the best of the person's knowledge; and

(D) The secretary of state, without undue delay, determines that the person who filed the contested record was not entitled to do so under section 400.9-509(d) and should have been rejected. In order to determine whether the person who filed the record was not entitled to do so, the secretary of state may require the person filing the information statement and the person who filed the contested record to provide any additional relevant information requested by the secretary of state, including an original or a copy of any security agreement that is related to the record. If the secretary of state finds that the person who filed the record was not entitled to do so, the secretary of state shall cancel the record and it shall be void and of no effect.

*[(9)]***(10)** If the secretary of state cancels a record under section (8) **or (9)**, the secretary shall communicate to the person that presented the record the fact of and reason for the cancellation.

*[(10)]***(11)** If the secretary of state refuses to accept a record for filing pursuant to section (7) of this rule or cancels a wrongfully filed record pursuant to section (8) of this rule**, or cancels a record pursuant to section (9) of this rule**, the secured **or affected** party may file an appeal within thirty (30) days after the refusal or cancellation in the Circuit Court of Cole County.

(A) Filing a petition requesting to be allowed to file the document commences the appeal. The petition shall be filed with the court and the secretary of state and shall have the record attached to it. Upon the commencement of an appeal, it shall be advanced on the court docket and heard and decided by the court as soon as possible.

(B) Upon consideration of the petition and other appropriate pleadings, the court may order the secretary of state to file the record or take other action the court considers appropriate, including the entry of orders affirming, reversing, or otherwise modifying the decision of the secretary of state. The court may order other relief, including equitable relief, as may be appropriate.

(C) The court's final decision may be appealed as in other civil proceedings.

*AUTHORITY: section 400.9-526, RSMo Supp. [2001] **2012**. Emergency rule filed Feb. 10, 2003, effective Feb. 20, 2003, expired March 30, 2003. Original rule filed Sept. 30, 2002, effective March 30, 2003. Emergency amendment filed Aug. 16, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. Amended: Filed Aug. 16, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, c/o Bridget Williams, 600 West Main St., Jefferson City, MO 65101 or by email at bridget.williams@sos.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 90—Uniform Commercial Code

PROPOSED AMENDMENT

15 CSR 30-90.170 Status of Parties upon Filing a*n [Correction] Information* Statement. The division is amending the title and sections (1) and (2).

PURPOSE: This amendment is to update language within the rule to reflect the changes made to Chapter 400.9, RSMo in House Bill 212. Specifically, House Bill 212 amended section 400.9-518, RSMo to change the term "correction statement" to "information statement."

(1) The filing of a**n** *[correction]* **information** statement shall not affect the status of any party to the financing statement.

(2) A**n** *[correction]* **information** statement shall not affect the status of the financing statement.

*AUTHORITY: section 400.9-526, RSMo Supp. [2001] **2012**. Original rule filed Sept. 30, 2002, effective March 30, 2003. Emergency amendment filed Aug. 16, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. Amended: Filed Aug. 16, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, c/o Bridget Williams, 600 West Main St., Jefferson City, MO 65101 or by email at bridget.williams@sos.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 400—Life, Annuities and Health
Chapter 2—Accident and Health Insurance in General

PROPOSED AMENDMENT

20 CSR 400-2.160 Mental Health Services Allowed Out-of-Network. The department is amending this rule to reflect the language contained in section 376.811.4, RSMo, which was amended by SCS HB 326 and CCS HCS SB 296 (2009).

PURPOSE: This amendment effectuates or aids in the interpretation of section 376.811.4, RSMo Supp. 2012.

Pursuant to section 376.811.4, RSMo Supp. *[1997]* **2012**, an insurance company, health services corporation or health maintenance organization, must offer in all health insurance policies at least two **(2)** sessions per year for the purpose of diagnosis or assessment of mental health. This offer may not limit the choice of psychiatrist, licensed psychologist, licensed professional counselor or licensed clinical social worker**, or, subject to contractual provisions, a licensed marital and family therapist** who provides the service. An insured **or enrollee** may seek these services outside an insurer's network **if he or she is covered by an insurance company, a health services corporation, or a point of service plan provided by a health maintenance organization**.

*AUTHORITY: section[s] 376.811.4**, Supp. 2012,** and **section** 376.814, RSMo [1994] **2000**. Original rule filed Nov. 3, 1997, effective June 30, 1998. Amended: Filed Aug. 19, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Carolyn H. Kerr, Senior Counsel, Legal Section, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. A public hearing is scheduled for 10:00 a.m. on Friday, November 1, 2013, at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri.*

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

20 CSR 2200-4.030 Public Complaint Handling and Disposition Procedure. The board is adding new sections (1) and (2), renumbering the remaining sections accordingly, and amending the new sections (3), (5), and (7).

PURPOSE: This amendment clarifies the types of action that do not require reporting and encourages complainants to alert employers so corrective action can be initiated in a timely manner.

(1) Only complaints containing sufficient information to investigate and alleging conduct that would violate the Nursing Practice Act shall be investigated in the manner set forth in sections (3) through (10) below.

(2) The Board of Nursing encourages potential complainants to immediately alert the nurse and administration of the facility where the nurse is employed of the concern or complaint in an effort to provide the facility with the opportunity to address and correct concerns immediately.

*[(1)]***(3)** The State Board of Nursing shall receive and process each complaint made against any licensee or permit holder, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 335, RSMo. **This only applies to complaints where there is sufficient information to investigate and the allegation(s), if true, would be a violation of the Nursing Practice Act.** Any member of the public or profession, or any federal, state, or local officials may make and file a complaint with the board. No member of the State Board of Nursing shall file a complaint with this board while holding that office, unless that member is excused from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

*[(2)]***(4)** Complaints should be mailed, faxed, or delivered to the following address: Executive Director, Missouri State Board of Nursing, 3605 Missouri Boulevard, PO Box 656, Jefferson City, MO 65102-0656.

*[(3)]***(5)** All complaints shall be made in writing and shall fully identify the complainant by name and address. Complaints may be made on forms which are provided by the board and available upon request **or can be accessed at the board's website**.

*[(4)]***(6)** Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The logbook shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of; a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This logbook shall be a closed record of the board.

*[(5)]***(7)** Each complaint received under this rule shall be acknowledged in writing. The complainant shall be informed as to whether the complaint is being investigated and later**, if applicable,** as to whether the complaint has been dismissed by the board. The complainant shall be notified of the disciplinary action taken, if any. The provisions of this section shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board.

*[(6)]***(8)** Both the complaint and any information obtained as a result of the investigation of the complaint shall be considered a closed record and shall not be available for inspection by the general public.

*[(7)]***(9)** This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee of the board with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

*[(8)]***(10)** The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect or insure to the benefit of*[,]* those licensees, permit holders, registrants or other persons against whom the board has instituted or may institute administrative or judicial proceeding concerning possible violations of the provisions of Chapter 335, RSMo.

AUTHORITY: section[s] 335.036 [and 620.010.15(6)], RSMo Supp. [2007] ***2012****. This rule originally filed as 4 CSR 200-4.030. Original rule filed Feb. 10, 1982, effective May 13, 1982. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2200-4.030, effective Aug. 28, 2006. Amended: Filed May 27, 2008, effective Nov. 30, 2008. Amended: Filed Aug. 28, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or

via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

PROPOSED AMENDMENT

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations. The Missouri Consolidated Health Care Plan is amending sections (2), (3), (4); and adding section (7).

PURPOSE: This amendment establishes the policy of the board of trustees in regard to the tobacco-free incentive benefit.

(2) Limitations and exclusions—The following members are not eligible to participate in the tobacco-free incentive:

(C) *[Medicare or]* TRICARE Supplement Plan terminated vested subscriber;

(D) *[Medicare or]* TRICARE Supplement Plan long-term disability subscriber;

(E) *[Medicare or]* TRICARE Supplement Plan survivor subscriber;

(F) *[Medicare or]* TRICARE Supplement Plan COBRA subscriber;

(G) *[Medicare or]* TRICARE Supplement Plan retiree subscriber;

(H) *[Medicare or]* TRICARE Supplement Plan spouses covered by any other eligible subscriber; and

(3) Incentive Participation Requirement.

(B) To receive the incentive beginning on January 1, *[2013]* **2014**, eligible members must do one (1) of the following:

1. Tobacco-free attestation.

A. The member must complete a tobacco-free attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, *[2012]* **2013**, through November 30, *[2012]* **2013**. The form must be received by November 30, *[2012]* **2013**; or

2. Tobacco cessation program attestation.

A. *[Participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5) and]* **The member must** complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, *[2012]* **2013**, through November 30, *[2012]* **2013**. The form must be received by November 30, *[2012]* **2013**. **The member also must participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).**

(I) If a subscriber and/**or** his/her spouse become and remain tobacco-free three (3) months prior to May 31, *[2013]* **2014**, s/he may continue to receive the incentive through December 31, *[2013]* **2014**, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, *[2013]* **2014**. The form must be received by May 31, *[2013]* **2014**.

(C) *[For a new employee or a]***A**n employee adding medical coverage **with an effective date** from *[December]* **November** 1, *[2012]* **2013**, through May *[3]*1, *[2013]* **2014;***[, and his/her spouse to receive the incentive from the employee's effective date of coverage, the employee]* must complete a tobacco-free attestation or tobacco cessation program attestation *[at the time of enrollment]* **within thirty-one (31) days of the subscriber's effective date**. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. **The incentive will start on the subscriber's effective date.** If a subscriber and/or his/her spouse complete the tobacco cessation program attestation and become and remain tobacco-free three (3) months prior to May 31, *[2013]* **2014**, s/he can continue to receive the incentive through December 31, *[2013]* **2014**, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, *[2013]* **2014**. A form must be received by May 31, *[2013]* **2014**.

(D) *[A new]* **An** employee *[and spouse]* adding medical coverage **with an effective date** after May *[3]*1, *[2013]* **2014***[,]* must complete the tobacco-free attestation form to receive the incentive within thirty-one (31) days of *[enrollment]* **the subscriber's effective date**. **A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date.**

(4) MCHCP-approved tobacco cessation programs for a subscriber are—

(A) *[StayWell Tobacco NextSteps: phone coaching (866-564-5235)]* **Tobacco cessation coaching provided by the wellness vendor.**

(B) *[Missouri Tobacco Quitline: 800-QUIT-NOW (800-784-8669)]* **Strive for Wellness tobacco cessation programs (for active employee subscribers only)**; or

(7) Tobacco-free incentive—The tobacco-free incentive is forty dollars ($40) per month per eligible participant.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. Emergency amendment filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Amended: Filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expires March 29, 2014. Amended: Filed Aug. 23, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities $2,451,420 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: 22 - Missouri Consolidated Health Care Plan
Division Title: Division 10
Chapter Title: Chapter 2

Rule Number and Title:	**22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations**
Type of Rulemaking:	**Proposed Amendment**

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
13,619 individuals that do not attest to being tobacco-free or participating in tobacco cessation program for CY 2014	**Eligible subscribers and spouses that do not attest to being tobacco-free or participating in a tobacco cessation program in CY 2014**	**$2,451,420**

III. WORKSHEET

Estimated cost is the annual additional premium cost to MCHCP eligible subscribers and spouses that do not attest to being tobacco-free or participating in a tobacco cessation program for calendar year 2014.

IV. ASSUMPTIONS

- Projected 13,619 eligible subscribers and spouses do not attest to being tobacco-free or participating in a tobacco cessation program

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

PROPOSED AMENDMENT

22 CSR 10-2.120 Wellness Program. The Missouri Consolidated Health Care Plan is amending sections (1), (3), (4), (6), and (7).

PURPOSE: This amendment establishes the policy of the board of trustees in regards to the Strive for Wellness program.

(1) Program—The wellness program is called Strive for Wellness and is administered through *[StayWell Health Management (]***a wellness** vendor*[)]*. Strive for Wellness is voluntary. Subscribers are responsible for enrolling, participating, and completing requirements by applicable deadlines.

(3) Limitations and exclusions—The following members are not eligible to participate in the wellness program:

(D) *[Medicare or]* TRICARE Supplement Plan terminated vested subscriber;

(E) *[Medicare or]* TRICARE Supplement Plan long-term disability subscriber;

(F) *[Medicare or]* TRICARE Supplement Plan survivor subscriber;

(G) *[Medicare or]* TRICARE Supplement Plan COBRA subscriber;

(H) *[Medicare or]* TRICARE Supplement Plan retiree subscriber; and

(4) Participation—

(A) Subscribers **and new employees** may earn an incentive by completing the following:

1. **Subscribers—**

A. The online Partnership Agreement by November 30, *[2012]* **2013**;

*[2.]***B.** The online Health Assessment by November 30, *[2012]* **2013**; and

[3. Receive an annual wellness exam] **C. Complete a preventive lab screening (cholesterol and glucose)** between June 1, *[2012]* **2013**, and May 31, *[2013]* **2014**, and submit the *[Health Care Provider Form that]* **Preventive Lab form to MCHCP's wellness vendor by May 31, 2014. The vendor must receive the form by May 31, 2014. The form must** include*[s]* the *[subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's wellness vendor by May 31, 2013. The vendor must receive the form by May 31, 2013.]* **following:**

(I) The health care provider's name and signature;

(II) The subscriber's name and signature; and

(III) The date the preventive lab screening was completed.

2. New employees—

A. An employee adding medical coverage with an effective date from November 1, 2013, through May 1, 2014, must complete the Partnership Agreement within thirty-one (31) days of the effective date and the Health Assessment by May 31, 2014 or within sixty (60) days of the effective date, whichever is earlier, to receive the partnership incentive. The incentive will start at the beginning of the second month after the eligible subscriber completes the Health Assessment.

B. To continue the incentive July through December 2014, the employee must complete a preventive lab screening (cholesterol and glucose) between June 1, 2013 and May 31, 2014, and submit the Preventive Lab form to MCHCP's wellness vendor by May 31, 2014. The Partnership Agreement and Health Assessment must be completed by May 31, 2014 or within sixty (60) days of the effective date of coverage, whichever is earlier. The vendor must receive the Preventive Lab form no later than May 31, 2014.

C. An employee with an effective date after May 1, 2014, will be eligible to participate in the wellness program at the next open enrollment period;

(B) Preventive Lab form—

[A. Health Care Provider] **1. Preventive Lab** form. The *[Health Care Provider]* **Preventive Lab** form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only*[.]***;**

[B. Health Care Provider] **2. Preventive Lab** form errors. Forms submitted with errors will not be accepted. Unacceptable errors include, but are not limited to:

*[(I)]***A.** Form not unique to submitting subscriber;

*[(II)]***B.** Provider printed name not legible;

*[(III)]***C.** Provider name or signature missing;

[(IV) Height missing or not legible] **D. Subscriber printed name not legible**;

[(V) Weight missing or not legible] **E. Subscriber name or signature missing**;

[(VI) Blood pressure] **F. Date preventive lab screening completed** missing or not legible; **and**

[(VII) Date of physical exam missing or not legible; and

(VIII)] **G.** Handwritten changes made to the preprinted name and unique ID contained on the form*[.]***;**

[C. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women; and]

*[D.]***3.** Qualified health care provider. The *[Health Care Provider]* **Preventive Lab** form must be completed by the health care provider who *[conducted]* **ordered** the *[annual wellness exam;]* **preventive lab screening;**

[(B) A new employee or eligible subscriber adding medical coverage due to a life event from November 1, 2012, through May 31, 2013, must complete the Partnership Agreement and Health Assessment within sixty (60) days of the effective date of coverage to receive the partnership incentive. The incentive will start the beginning of the second month after the eligible subscriber completes the Health Assessment. To continue the incentive July through December 2013, the employee must receive an annual wellness exam between June 1, 2012, and May 31, 2013, and submit the Health Care Provider form that includes the subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's wellness vendor by May 31, 2013. The Partnership Agreement and Health Assessment must be completed within sixty (60) days of the effective date of coverage or May 31, 2013 whichever is earlier and the vendor must receive the Health Care Provider form no later than May 31, 2013.

1. Health Care Provider form. The Health Care Provider form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only.

2. Health Care Provider form errors. Forms submitted with errors will not be accepted. Unacceptable errors include, but are not limited to:

A. Form not unique to submitting subscriber;

B. Provider printed name not legible;

C. Provider name or signature missing;

D. Height missing or not legible;

E Weight missing or not legible;

F. Blood pressure missing or not legible;

G. Date of physical exam missing or not legible; and

H. Handwritten changes made to the preprinted name and unique ID contained on the form.

3. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women;

(C) An employee hired after May 31, 2013, will be eligible to participate in the wellness program at the next open enrollment period;]

*[(D)]***(C)** Subscribers with disabilities may request special accommodations regarding participation. Appropriately documented reasonable requests will be accommodated to the extent possible;

*[(E)]***(D)** When Medicare becomes a retiree subscriber's primary insurance payer, the subscriber is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary;

*[(F)]***(E)** Health Coaching. Subscriber data from the Health Assessment *[and Health Care Provider form]* will be used to identify health risks. Subscribers identified to be at moderate to high health risk for weight, eating, stress, exercise, tobacco use, back care, blood pressure, and cholesterol will be offered voluntary phone health coaching to reduce their risk. Health coaching is not required to receive the partnership incentive; and

*[(G)]***(F)** Subscribers failing to fulfill all requirements of the Partnership Agreement by said deadlines will lose the partnership incentive and will not be eligible for health coaching.

(6) Partnership incentive—The partnership incentive is *[fifteen]* **twenty-five** dollars *[($15)]* **($25**) per month as reflected in the partnership premium.

(7) Each subscriber is responsible for confirming vendor receipt and acceptability of his/her *[Health Care Provider]* **Preventive Lab** form by checking his/her wellness information on myMCHCP. If the information is not reflected within a reasonable time period, it is the subscriber's responsibility to contact the vendor regarding the status of his/her *[Health Care Provider]* **Preventive Lab** form *[at (866) 564-5235]*.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. Emergency amendment filed Aug. 23, 2013, effective Oct. 1, 2013, expires March 29, 2014. Amended: Filed Aug. 23, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This rule establishes hunting seasons and limits and is exempted by section 536.021, RSMo, from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory game birds and waterfowl during the 2013–2014 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

(3) Seasons and limits are as follows:

(H) Ducks and coots may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Ducks and coots may be taken from October 26, 2013, through December 24, 2013, in the North Zone; from November 2, 2013, through December 31, 2013, in the Middle Zone; and from November 28, 2013, through January 26, 2014, in the South Zone; and

2. Duck and coot limits are as follows: The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be female), three (3) wood ducks, two (2) redheads, two (2) hooded mergansers, three (3) scaup, two (2) pintails, one (1) mottled duck, two (2) canvasback, and one (1) black duck. The possession limit is eighteen (18), including no more than twelve (12) mallards (no more than six (6) of which may be female), nine (9) wood ducks, six (6) redheads, six (6) hooded mergansers, nine (9) scaup, six (6) pintails, three (3) mottled ducks, six (6) canvasbacks, and three (3) black ducks. The daily limit of coots is fifteen (15) and the possession limit for coots is forty-five (45);

(I) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross's geese may be taken from October 26, 2013, through January 31, 2014, statewide;

2. White-fronted geese may be taken from November 28, 2013, through January 31, 2014, statewide;

3. Canada geese and brant may be taken from October 5, 2013, through October 13, 2013, and November 28, 2013, through January 31, 2014, statewide; and

4. Goose limits—The daily bag limit is three (3) Canada geese, twenty (20) blue, snow, or Ross's geese, two (2) white-fronted geese, and one (1) brant, statewide. The possession limit is nine (9) Canada geese, six (6) white-fronted geese, and three (3) brant. There is no possession limit for blue, snow, and Ross's geese;

(J) Ducks, geese, brant, and coots may be taken by youth hunters fifteen (15) years of age or younger from October 19, 2013, through October 20, 2013, in the North Zone; from October 26, 2013, through October 27, 2013, in the Middle Zone; and from November 23, 2013, through November 24, 2013, in the South Zone. The daily and possession limits for ducks, geese, and coots are the same as during the regular duck, goose, and coot hunting seasons. Any person fifteen (15) years or younger may participate in the youth waterfowl hunting days without permit provided they are in the immediate presence of an adult eighteen (18) years of age or older. If the youth hunter does not possess a hunter education certificate card, the adult must be properly licensed (i.e., must meet any permit requirements that allows small game hunting) and have in his/her possession a valid hunter education certificate card unless they were born before January 1, 1967. The adult may not hunt ducks but may participate in other seasons that are open on the special youth days;

(L) Persons who possess a valid Conservation Order permit may chase, pursue, and take blue, snow, and Ross's geese from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from February 1, 2014, through April 30, 2014. Any other regulation notwithstanding, methods for the taking of blue, snow, and Ross's geese include using shotguns capable of holding more than three (3) shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. An exception to the above permit requirement includes any person fifteen (15) years of age or younger, provided either 1) s/he is in the immediate presence of a properly licensed adult (must possess a Conservation Order permit) who is eighteen (18) years of age or older and has in his/her possession a valid hunter education certificate card, or was born before January 1, 1967, or 2) s/he possesses a valid hunter education certificate card. A daily bag limit will not be in effect February 1, 2014, through April 30, 2014 (See 3 CSR 10-5.436 and 3 CSR 10-5.567 for Conservation Order Permit requirements); and

(M) Migratory birds may be taken by hunters with birds of prey as follows (See 3 CSR 10-9.442 for additional provisions about falconry including season lengths and limits for wildlife other than migratory birds. See 3 CSR 10-9.440 for falconry permit requirements):

1. Doves may be taken from September 1 to December 16 from one-half (1/2) hour before sunrise to sunset. Daily limit: three (3) doves; possession limit: nine (9) doves, except that any waterfowl

taken by falconers must be included within these limits; and

2. Ducks, mergansers, and coots may be taken from sunrise to sunset from September 7, 2013, through September 22, 2013, statewide, and from one-half (1/2) hour before sunrise to sunset as follows: in the North Zone, October 19, 2013, through October 20, 2013, October 26, 2013, through December 24, 2013, and February 10, 2014, through March 10, 2014; in the Middle Zone, October 26, 2013, through October 27, 2013, November 2, 2013, through December 31, 2013, and February 10, 2014, through March 10, 2014; and, in the South Zone, November 23, 2013, through November 24, 2013, November 28, 2013, through January 26, 2014, and February 10, 2014, through March 10, 2014. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: nine (9) birds singly or in the aggregate, including doves.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment was filed August 16, 2013, becomes effective **September 1, 2013**.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

10 CSR 10-6.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2013 (38 MoReg 689–690). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received two (2) comments from one (1) source: the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA suggested that references to photochemical oxidants be removed and the term ozone be used in these cases.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, rule text in subsection (4)(D) has been changed to refer only to ozone for clarification.

COMMENT #2: EPA noted that titles of some of the methods listed in the rule do not exactly match the EPA titles for the same methods and suggested that the method titles be amended to match.
RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, method titles in subsections (4)(B), (4)(C), (4)(H), and (4)(M) have been changed for consistency with EPA method titles.

10 CSR 10-6.040 Reference Methods

(4) The methods for determining the concentrations of the following air contaminants in the ambient air shall be as specified in 40 CFR 50, Appendices A–R or equivalent methods as specified in 40 CFR 53. The provisions of 40 CFR 50, Appendices A–R and 40 CFR 53, promulgated as of July 1, 2012, and *Federal Register* Notice 77 FR 55832-55834, promulgated September 11, 2012, shall apply and are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) The concentration of total suspended particulate shall be determined as specified in 40 CFR 50, Appendix B—*Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)*.

(C) The concentration of carbon monoxide in the ambient air shall be determined as specified in 40 CFR 50, Appendix C—*Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)* or equivalent methods as approved by 40 CFR 53.

(D) The concentration of ozone in the ambient air shall be determined as specified in 40 CFR 50, Appendix D—*Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere* or equivalent methods as approved by 40 CFR 53.

(H) Compliance with the one (1) hour ozone standard shall be determined as specified in 40 CFR 50, Appendix H—*Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone*.

(M) Compliance with particulate matter 2.5 ($PM_{2.5}$) standards shall be determined as specified in 40 CFR 50, Appendix N—*Interpretation of the National Ambient Air Quality Standards for* $PM_{2.5}$.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-8.010 Definition of Licensee **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2013 (38 MoReg 691). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on June 12, 2013. No one commented at the public hearing. No written comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-8.060 Audits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2013

(38 MoReg 691–692). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on June 12, 2013. No one commented at the public hearing. No written comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-8.090 Mandatory Count Procedure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2013 (38 MoReg 692). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on June 12, 2013. No one commented at the public hearing. No written comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-8.100 Count Room—Characteristics **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2013 (38 MoReg 692). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on June 12, 2013. No one commented at the public hearing. No written comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-8.150 Cash Reserve Requirements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2013 (38 MoReg 692–693). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on June 12, 2013. No one commented at the public hearing. No written comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission adopts a rule as follows:

11 CSR 45-9.107 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2013 (38 MoReg 693). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter G. Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on June 12, 2013. Written comments were received from Mike Winter, Executive Director of the Missouri Gaming Association (MGA). Comments were received from staff and additional comments were made at the public hearing.

The following written comments were submitted by Mike Winter on behalf of the MGA, unless otherwise specified:
COMMENT #1: MICS Chapter G §4.04 appears to restrict access to the count room. This structure would not work for those properties that have a count team who is not on property daily during the table drop process. It would be helpful to allow main bank personnel to be able to act in place of the count room component for a supporting role only. Additionally, what if access is needed after hours for facilities work? G §4.04 seems to conflict with G §4.13 where emergency drop team members are not listed as being able to enter and exit the count room. Also, a question was raised if table games managers could be allowed to have keys to the count room in order to retrieve the table games carts with security. They would not go in the room, just hold one (1) of the keys to open the door. As presently written, a count team member would have to be present just to open the room to meet this requirement.
COMMENT #2: The day of the hearing a commenter noted that table games people are not on the drop team, but also need access.
RESPONSE AND EXPLANATION OF CHANGE: In G §4.04 the staff agrees to add table games supervisor and cage cashier to the list of those who may access the key. The second sentence of G §4.04 has been changed to read: "One of the keys shall only be accessible by a security officer and the other key shall only be accessible to a count team member, table games supervisor, cage cashier, or an emergency drop team member other than a security employee."

Staff recommends a change to G §4.04(A) and (B) to clarify this is only for the count team employees. Drop team will be changed to

count team in both (A) and (B). Additional changes are included with the responses to G §4.13.

COMMENT #3: G §4.04—The day of the hearing a commenter noted they sometimes use cage personnel for dual control when accessing the count room.
RESPONSE AND EXPLANATION OF CHANGE: Cage cashier was added to the list of employees who may access one of the keys for the dual locks to the count room.

COMMENT #4: G §4.04(A)—If a gate between the count room and the cart storage area requires a key to pass from the cart storage area to the count room, but can be released to open without a key when passing from the count room to the cart storage area, would this have to be changed to be in compliance? This method received prior MGC approval and we request it continues to be allowed.
RESPONSE: If the cart storage area is only separated by a gate and not walls, then it is contained within the count room. So this standard would not apply as the cart storage area is not a separate room. The standards for cart storage areas were written with the expectation that it would be an area outside the count room. No changes have been made as a result of this comment.

COMMENT #5: G §4.07—A commenter questioned why there is a need to inspect jumpsuits when going into the count room prior to the drop/count.
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to remove the last two (2) sentences of G §4.07 regarding inspection of jumpsuits when entering the count room.

COMMENT #6: It is our understanding that some of our members may not have a mantrap as required in G §4.08. As drafted, G §4.08 would require the construction of a mantrap by those properties that may not presently have one. This could cause construction issues if there is limited space. Also, the cost to construct the mantrap for those properties not presently having one was not taken into consideration when calculating the fiscal impact for private entities to comply with the regulation. We would request the requirement for the mantrap be removed.
RESPONSE AND EXPLANATION OF CHANGE: This standard has been changed to provide an alternative to construction of a mantrap and alleviates the need for a fiscal note for constructing a mantrap. G §4.08 has been changed to read, "Once the count has begun any person exiting the count room, for any reason other than to complete the drop, shall remove his or her jumpsuit. A security officer shall observe the individual removing the jumpsuit to detect any assets that may have been concealed on the employee's person. The jumpsuit shall be removed in the mantrap outside the count room or other area directly outside the count room door. "

COMMENT #7: G §4.08—The issue of jumpsuits and the proposed new requirements continue to raise questions and concerns. We understand the concern of the MGC but it has not been our experience that jumpsuits have been used to conceal stolen funds. When it has been attempted, money has been concealed in shoes and other clothing. The requirement of security being present when jumpsuits are removed will require companies to staff security in the count room at all times the count is being conducted. Persons performing the count will have emergency needs to leave the count room and will not have time to wait on security to let them out of the room. We feel this requirement is intrusive and could be severely disruptive in an emergency (bathroom, medical necessity, family emergency or any other type of emergency). In addition, the companies may have to hire additional security officers to comply with this requirement while making sure they have sufficient security to deal with other matters on the property. This is another area where we do not believe the private entity cost is truly reflected in the fiscal note.
RESPONSE AND EXPLANATION OF CHANGE: The standard does not require the inspection to be in the count room. This standard has been changed to clarify that the inspection is necessary for the detection of concealed assets. MGC's research show only two (2) Missouri properties currently do not have security officers present to perform inspections. A fiscal note reflecting the cost for these properties to comply with this standard has been included with this order of rulemaking. G §4.08 has been changed to read, "Once the count has begun any person exiting the count room, for any reason other than to complete the drop, shall remove his or her jumpsuit. A security officer shall observe the individual removing the jumpsuit to detect any assets that may have been concealed on the employee's person. The jumpsuit shall be removed in the mantrap outside the count room or other area directly outside the count room door. "

COMMENT #8: G §4.09—Please clarify if cloth or leather gloves may be used to handle boxes (move from cart to table and table back to cart). Does this apply to opening the box and emptying/handling the contents?
RESPONSE: This standard applies to employees only handling cash, coupons or chips in the count room. Employees handling locked drop devices may wear gloves. No changes have been made as a result of this comment.

COMMENT #9: G §4.10—We would request this be modified so two (2) people are not required to be in the count room during non-count periods. This comes to light during times when count technicians are servicing equipment and no counts are taking place.
RESPONSE: Two (2) employees are required to unlock the door; therefore, it is not overly burdensome to expect two (2) people to be in the room. The purpose of dual locks is to not allow one (1) person to access the room by himself/herself. Requiring at least two (2) people in the room provides a consistently controlled environment in the room to deter thefts. No changes have been made as a result of this comment.

COMMENT #10: G §4.13—We request some flexibility be added to the list of those who may enter or leave the count and cart storage areas. In particular the following: 1) security personnel to retrieve and return table games drop carts; 2) security personnel to verify all sensitive keys are returned to the count room key box (G §8.06); 3) count technician (if not considered part of the "count team members" already listed); and 4) emergency drop team members to deliver dropped devices (G §9.04). And please clarify if this is the intent while the count is being conducted?
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to make changes to this section. At the end of the first sentence of G §4.13, the staff added "at any time." A new (C) through (F) have been added to clarify the list of those who may enter or leave the count and cart storage areas as follows: "(C) security personnel for the following purposes: (1) as an escort; (2) to retrieve and return drop carts; and (3) verify all sensitive keys are returned to the count room key box; (D) emergency drop team members; (E) table games supervisor or cage cashier to retrieve and return table and poker drop devices for the drop team; (F) count technician or MIS personnel to service equipment;" Additionally, items (C)–(E) were relettered (G)–(I).

COMMENT #11: G §4.14—Is it necessary for count team members to record their entry and exit since being in the room is part of their job function and they are included on the quarterly count room access list? We would agree that all others entering the room should sign in and out.
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to this change and G §4.14 is updated to state: "Each individual, other than count room and MGC personnel, who enters the count room shall make an entry on the Ingress/Egress Log. Each logged individual who exits the count room shall record the time of exit."

COMMENT #12: G §5.01(B)—A question was raised, why is it necessary to conduct a weekly full drop, or any full drops? A number of jurisdictions have requirements to drop each game at least weekly, but not necessarily on the same day. We would like to continue to discuss this possible change.
RESPONSE: This would not be allowed as each casino is required to report the actual drop at the conclusion of each gaming week as required by 11 CSR 45-11.040. The staff finds this is necessary to determine if there is a variance within a week's time. No changes have been made as a result of this comment.

COMMENT #13: Staff suggested changing G §5.14(C) and (E). These standards should be changed to allow the slot technician or the cage cashier to remove and reinsert the bill validator (BV) can to be consistent with item (B) in this standard.
RESPONSE AND EXPLANATION OF CHANGE: This change will be made. In both items (C) and (E), "or cage cashier" has been added to the sentence to match the standard in (B).

COMMENT #14: G §6.02—Why is it necessary to keep two (2) Ingress/Egress Logs for the count room? One is being required in G §4.14 by count, and another by surveillance in G §6.02. The count room door is alarmed and monitored by surveillance, and the Count Room Log provides the entry/exit time, identity, and number of those who enter/exit. The room is continuously monitored, and video is retained for thirty (30) days. We are unclear what risk this mitigates and appears to be duplicative.
RESPONSE AND EXPLANATION OF CHANGE: Added "present in the count room" to the first sentence of G §6.02 to read: "A security officer present at the count room door or a count team member present in the count room shall notify Surveillance prior to any person entering or leaving the count room." The staff agreed to remove the requirement for count room employees to log in and out on the count room Ingress/Egress Log as noted in the response to G §4.14 above.

COMMENT #15: G §6.07—We would like some clarification if a chain link fence (sliding gate) with one and one-half inch (1 1/2") squares is considered a solid barrier? If it is not considered a solid barrier, the private entity fiscal note for the proposed changes is incorrect because it does not reflect the cost some companies may incur to modify existing barriers to comply with this provision.
RESPONSE: The last sentence of G §6.07 allows for the option of dividing the count room; however, there is no requirement to divide the count room into segregated count areas, so this rule does not involve extra expense. No changes have been made as a result of this comment.

COMMENT #16: G §7.11—A commenter asked if this standard is to be accomplished in the count room?
RESPONSE: Yes, this is an existing standard. It allows the count team to verify whether all source documentation has been received, and included, in the count paperwork. It also allows the count team to document if paperwork is missing, so accounting is aware that it was missing and not overlooked.

COMMENT #17: G §7.11—Per our discussion during the meeting today I would like to provide an additional comment on G §7.11. After further review it would be the industry's opinion that G §7.11 be deleted. We believe this provision should be addressed in Chapter I rather than Chapter G. This would continue to allow accounting to perform any tasks relating to this topic.
RESPONSE: The MICS for Chapter I do not require accounting to match the fill/credit slips to the orders for fills/credits, so removing this standard would eliminate that process entirely. This standard allows the count team to document if paperwork is missing so accounting is aware that it was missing and not overlooked. No changes have been made as a result of this comment.

COMMENT #18: G §7.12—The reports are by count room. There is not a report that consolidates all the count room/file used into one (1) report.
RESPONSE AND EXPLANATION OF CHANGE: G §7.12 has been revised by adding "(s)" to report to read: "When all assets have been counted, a count team member shall prepare one Master Gaming Report or a BV summary report(s) in the count room listing the correct count for each asset and the correct grand total."

COMMENT #19: G §8.03—A question was raised, if a main bank cashier can exit through the cart storage area? This would allow a property to move the main banker into a segregated area so they could begin the next count before security arrives to escort the main banker.
RESPONSE: The buy should be a formal process where all parties can observe a standard procedure at all properties. This allows surveillance to identify when it is the official end of one count and the beginning of the next. The main banker has to exit through the primary door with the paperwork for security's inspection. No changes have been made as a result of this comment.

COMMENT #20: G §8.04—A question was raised, why tickets and coupons need to be delivered to accounting in sealed or locked containers? These items are all canceled or redeemed via the slot machine that accepted them and have no value or risk of loss. Some of our members have very high volume of tickets and coupons and question the necessity to seal them all up in containers or locked carts. A secondary question was raised why tickets/coupons even need to be delivered to accounting and if an alternative process could be developed.
RESPONSE: The tickets are the source documents to support the count room reports. The retention periods for tickets have already been reduced from ninety (90) days to thirty (30) days which reduced the storage space by two-thirds (2/3). No changes have been made as a result of this comment.

COMMENT # 21: G §8.05—A commenter asked about the daily requirement to pick up the trash in the count room.
RESPONSE: Each day there is a count, the count room must be cleared and trash must be removed from the room. No changes have been made as a result of this comment.

COMMENT #22: G §9.02—Why do emergency drop devices need to be stored in locked compartments inside already secured areas? For example, if the emergency drop boxes are stored inside a secured main bank, then why do they also need to be locked in a compartment inside that main bank?
RESPONSE AND EXPLANATION OF CHANGE: After staff review they agreed to either a locked compartment or in a secured area. The first sentence of G §9.02 has been revised to read: "Empty emergency drop devices shall be maintained in a locked compartment or in a secured area. The storage location, including controls governing authorized access, shall be described in the Internal Control System."

COMMENT #23: G §9.05—We would request you consider adding the following language at the end of the second sentence "unless the replaced drop device was initially delivered to the count room."
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to add the language to G §9.05.

COMMENT #24 G §10.01—A commenter noted they currently use a variance for radio frequency identification (RFID) chips and would like to have the variance included, if possible.
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to add "BV cans with RFID chips are not required to be marked with the EGD number" and changed the last two (2) sentences of G §10.01 to read: "The emergency BV cans shall be permanently

marked with the word "EMERGENCY" and shall be marked with a clearly visible, temporary marking of the EGD number in which it is installed. BV cans with RFID chips are not required to be marked with the EGD number."

COMMENT #25: G §10.02—Please refer to our comment for G §9.02.
RESPONSE AND EXPLANATION OF CHANGE: G §10.02 has been revised for BV cans to be stored either in a locked compartment or in a secured area as follows: "Empty emergency BV cans shall be maintained in a locked compartment or in a secured area. The storage location, including controls governing authorized access, shall be described in the Internal Control System."

COMMENT #26: G §10.05—In an earlier version of G §10.05 (1/16/2013), the reference in the first sentence was to "the next scheduled count for that device." In this version of the proposed changes it was modified to reference the "during the next scheduled BV count." The 1/16/2013 version made it clear the device did not have to be dropped in the very next drop but could be dropped in the next drop for that device which may not always be the "next" drop. The reason this change may cause a problem is if these devices are dropped in the "next" drop and was not scheduled to be dropped it creates a variance and causes drop estimates that taxes are paid on to be incorrect. Please refer to our comment for G §9.05.
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to change G §10.05 to state: "The drop device removed during the emergency BV drop shall have its contents counted and included during the next scheduled BV count for that device. If during the collection of the drop devices an emergency drop device is collected, the drop team shall go to the emergency drop storage location to collect the replaced drop device and transport it to the count room with security escort. Alternatively, the replaced drop device may be counted and included during the next scheduled BV count; provided the count team checks the emergency drop storage location during every drop to collect any replaced drop devices. The Internal Control System shall specify which method will be used."

11 CSR 45-9.107 Minimum Internal Control Standards (MICS)—Chapter G

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in Minimum Internal Control Standards (MICS) Chapter G—Drops and Counts, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter G does not incorporate any subsequent amendments or additions as adopted by the commission on July 24, 2013.

REVISED PRIVATE COST: Comments received by MGC indicated the opinion that the adoption of the rule would result in an expenditure by private entities in excess of five hundred dollars ($500). There will be an annual cost to one corporate entity of fifty-three thousand forty dollars ($53,040). A revised private fiscal note is published with this order of rulemaking.

FISCAL NOTE
REVISED PRIVATE COST

I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY
Division Title: 45—Missouri Gaming Commission
Chapter Title: 9—Internal Control System

Rule Number and Title:	11 CSR 45-9.107 Minimum Internal Control Standards (MICS)-Chapter G
Type of Rulemaking:	Order of Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Two casinos	One Corporate Entity	$ 53,040 annually

III. WORKSHEET

The estimated annual cost has been quantified at 60 hours a week at an hourly rate of $17 (wages + benefits).
60 x 52 weeks x $17 = $53,040

IV. ASSUMPTIONS

The standard in MICS G §4.08 requires a security officer to observe the individual removing the jumpsuit to detect any assets that may have been concealed on the employee's person. Currently only two casinos do not comply with this standard. Their cost will increase by an additional 1.5 FTEs to meet this requirement.

The anticipated total costs for this rule will recur annually for the life of the rule.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 32—Child Care

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services under section 135.1150, RSMo Supp. 2012, the department adopts a rule as follows:

13 CSR 35-32.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 3, 2013 (38 MoReg 829–834). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services received two (2) comments on the proposed rule.

COMMENT #1: Anne Silea, Lutheran Family & Children Services of Missouri supports the Hand-Up Pilot Program.
RESPONSE: Thank you for your support.

COMMENT #2: Sarah Madden, Division of Legal Services, commented that the eligibility dates should be changed in subsection (1)(A) due to the signing of HB 986 on July 8, 2013, in order for the rule to comply with the requirements of HB 986.
RESPONSE: Change required will be made in this rule.

13 CSR 35-32.040 Hand-Up Pilot Program

(1) To be eligible for the program the participant shall—

(A) Have received full child care benefits as specified in 13 CSR 35-32.010 for four (4) months;

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for October 22, 2013. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

09/10/13

#4973 RT: Summit Villa Lifecare
Holts Summit (Callaway County)
$9,322,373, Replace 46 ALF beds with 46-bed ALF

#4974 HT: DePaul Health Center
Bridgeton (St. Louis County)
$3,406,600, Replace MRI Unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by October 10, 2013. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102

For additional information contact
Karla Houchins, (573) 751-6403.

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to David E. Mollohan, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. David E Mollohan including M & D Excavating or (3) to any other simulation of Mr. David E Mollohan or of M & D Excavating for a period of one year, or until January 10, 2014.

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
David E. Mollohan d/b/a M & D Excavating Case No. 11WR-CR00453 Wright County Cir. Ct.		1448 Kaylor Road Mountain Grove, MO 65711	1/10/2013	1/10/2013-1/10/2014

Dated this 28th day of January, 2013.

Robert A. Bedell, Acting Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

Notice of Corporation Dissolution
To All Creditors of and
Claimants Against
Penryn Company

On August 2, 2013, Penryn Company, a Missouri corporation filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on August 2, 2013.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the company at:

Penryn Company
Attn: Richard W. Mellow, III
386 Conway Lake Drive
St. Louis, MO 63141

With a copy to:
Sandberg Phoenix & von Gontard, P.C.
Attn: Douglas Whitlock, Esq.
600 Washington Avenue, 15th Floor
St. Louis, MO 63101
(314) 231-3332

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Penryn Company, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST COMPREHENSIVE HEARING, LLC

On May 24, 2013, Comprehensive Hearing, LLC, a Missouri limited liability company (the "Company") filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against the Company, you must submit a summary in writing of the circumstances surrounding your claim to: Susan Kendig, Attorney at Law, 200 South Bemiston Ave., Suite 303, Clayton, Missouri 63105. All claims must include the claimant's name, address and telephone number; the date on which the claim arose; the basis for the claim; and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of publication of this notice.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST MEN AT THE CROSS

On May 6, 2013, Men at the Cross, a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on May 24, 2013.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Men at the Cross
Attn: Chief Financial Officer
1353 Lake Shore Drive
Branson, MO 65616

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, and a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of Men at the Cross, any claim against it will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of the two notices authorized by statute, whichever is published last.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

On August 19, 2013, **Father & Son Towing, L.L.C.**, a Missouri limited liability company, was dissolved upon the filing of its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on August 19, 2013.

The corporation requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company in care of Johnny R. Cross, 15380 SE 70th Road, Faucett, MO 64448.

All claims must include: the name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Father & Son Towing, L.L.C., any claims against it will barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute (§347.141, RSMo).

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				37 MoReg 1859
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.020	Animal Health		38 MoReg 1360		
2 CSR 80-2.050	State Milk Board		38 MoReg 1363		
2 CSR 80-5.010	State Milk Board		38 MoReg 1363		
2 CSR 90-10	Weights and Measures				37 MoReg 1197 38 MoReg 1241
	DEPARTMENT OF CONSERVATION				
3 CSR 10-7.440	Conservation Commission		N.A. N.A.	38 MoReg 1239 This Issue	
3 CSR 10-7.455	Conservation Commission		38 MoReg 1160 N.A.	 38 MoReg 1489	38 MoReg 212
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-3.570	Public Service Commission		38 MoReg 1461R		
4 CSR 240-13.010	Public Service Commission		38 MoReg 1363		
4 CSR 240-13.015	Public Service Commission		38 MoReg 1364		
4 CSR 240-13.020	Public Service Commission		38 MoReg 1365		
4 CSR 240-13.025	Public Service Commission		38 MoReg 1366		
4 CSR 240-13.030	Public Service Commission		38 MoReg 1367		
4 CSR 240-13.035	Public Service Commission		38 MoReg 1368		
4 CSR 240-13.040	Public Service Commission		38 MoReg 1369		
4 CSR 240-13.045	Public Service Commission		38 MoReg 1370		
4 CSR 240-13.050	Public Service Commission		38 MoReg 1371		
4 CSR 240-13.055	Public Service Commission		38 MoReg 1375		
4 CSR 240-13.060	Public Service Commission		38 MoReg 1375		
4 CSR 240-13.070	Public Service Commission		38 MoReg 1376		
4 CSR 240-18.010	Public Service Commission		38 MoReg 1377		
4 CSR 240-31.010	Public Service Commission		38 MoReg 1461		
4 CSR 240-31.020	Public Service Commission		38 MoReg 1463		
4 CSR 240-31.030	Public Service Commission		38 MoReg 1464		
4 CSR 240-31.040	Public Service Commission		38 MoReg 1465R		
4 CSR 240-31.050	Public Service Commission		38 MoReg 1465R		
4 CSR 240-31.060	Public Service Commission		38 MoReg 1466		
4 CSR 240-31.065	Public Service Commission		38 MoReg 1467R		
4 CSR 240-31.070	Public Service Commission		38 MoReg 1468R		
4 CSR 240-31.080	Public Service Commission		38 MoReg 1468R		
4 CSR 240-31.090	Public Service Commission		38 MoReg 1468		
4 CSR 240-31.100	Public Service Commission		38 MoReg 1469R		
4 CSR 240-31.110	Public Service Commission		38 MoReg 1469		
4 CSR 240-31.120	Public Service Commission		38 MoReg 1470		
4 CSR 240-31.130	Public Service Commission		38 MoReg 1472		
4 CSR 240-50.050	Public Service Commission		38 MoReg 1477		
4 CSR 240-120.065	Public Service Commission		38 MoReg 1480		
4 CSR 240-120.085	Public Service Commission		38 MoReg 1481		
4 CSR 240-120.130	Public Service Commission		38 MoReg 1481		
4 CSR 240-123.065	Public Service Commission		38 MoReg 1482		
4 CSR 240-123.070	Public Service Commission		38 MoReg 1483		
4 CSR 240-123.095	Public Service Commission		38 MoReg 1483		
4 CSR 240-125.010	Public Service Commission		38 MoReg 1484		
4 CSR 240-125.040	Public Service Commission		38 MoReg 1484		
4 CSR 240-125.070	Public Service Commission		38 MoReg 1485		
4 CSR 265-2.068	Division of Motor Carrier and Railroad Safety *(Changed to 7 CSR 265-10.035)*		38 MoReg 887		
4 CSR 265-2.180	Division of Motor Carrier and Railroad Safety *(Changed to 7 CSR 265-10.140)*		38 MoReg 896		
4 CSR 265-2.190	Division of Motor Carrier and Railroad Safety *(Changed to 7 CSR 265-10.090)*		38 MoReg 894		
4 CSR 265-6.010	Division of Motor Carrier and Railroad Safety *(Changed to 7 CSR 265-10.055)*		38 MoReg 892		
4 CSR 265-12.020	Division of Motor Carrier and Railroad Safety		38 MoReg 881R		
4 CSR 265-12.030	Division of Motor Carrier and Railroad Safety		38 MoReg 882R		
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 10-1.010	Commissioner of Education		This Issue		
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-300.160	Division of Learning Services		This Issue		
5 CSR 20-300.170	Division of Learning Services		This Issue		
5 CSR 20-300.180	Division of Learning Services		This Issue		
5 CSR 20-300.190	Division of Learning Services		This Issue		
5 CSR 20-300.200	Division of Learning Services		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 20-400.125	Division of Learning Services		38 MoReg 507	38 MoReg 1239	
5 CSR 20-400.375	Division of Learning Services		38 MoReg 825		
5 CSR 20-600.110	Division of Learning Services		38 MoReg 508	38 MoReg 1239	
5 CSR 30-640.100	Division of Financial and Administrative Services		This IssueR		
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-3.010	Commissioner of Higher Education		38 MoReg 755	38 MoReg 1426	
6 CSR 10-10.010	Commissioner of Higher Education		38 MoReg 755	38 MoReg 1426	
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-25.010	Missouri Highways and Transportation Commission				38 MoReg 1490
7 CSR 265-10.010	Motor Carrier and Railroad Safety		38 MoReg 882		
7 CSR 265-10.015	Motor Carrier and Railroad Safety		38 MoReg 883R 38 MoReg 883		
7 CSR 265-10.020	Motor Carrier and Railroad Safety		38 MoReg 884R 38 MoReg 884		
7 CSR 265-10.025	Motor Carrier and Railroad Safety		38 MoReg 885R 38 MoReg 885		
7 CSR 265-10.030	Motor Carrier and Railroad Safety		38 MoReg 886R 38 MoReg 886		
7 CSR 265-10.035	Motor Carrier and Railroad Safety *(Changed from 4 CSR 265-2.068)*		38 MoReg 887		
7 CSR 265-10.040	Motor Carrier and Railroad Safety		38 MoReg 888R 38 MoReg 888		
7 CSR 265-10.045	Motor Carrier and Railroad Safety		38 MoReg 889		
7 CSR 265-10.050	Motor Carrier and Railroad Safety		38 MoReg 889		
7 CSR 265-10.055	Motor Carrier and Railroad Safety *(Changed from 4 CSR 265-6.010)*		38 MoReg 892		
7 CSR 265-10.060	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.070	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.080	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.090	Motor Carrier and Railroad Safety *(Changed from 4 CSR 265-2.190)*		38 MoReg 894		
7 CSR 265-10.100	Motor Carrier and Railroad Safety		38 MoReg 894		
7 CSR 265-10.110	Motor Carrier and Railroad Safety		38 MoReg 895R 38 MoReg 895		
7 CSR 265-10.120	Motor Carrier and Railroad Safety		38 MoReg 896R		
7 CSR 265-10.130	Motor Carrier and Railroad Safety		38 MoReg 896		
7 CSR 265-10.140	Motor Carrier and Railroad Safety *(Changed from 4 CSR 265-2.180)*		38 MoReg 896		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 10-3.150	Division of Employment Security	This Issue	This Issue		
8 CSR 10-4.020	Division of Employment Security		This Issue		
8 CSR 10-4.210	Division of Employment Security	This Issue	This Issue		
8 CSR 10-5.010	Division of Employment Security		38 MoReg 1100		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R		
10 CSR 10-5.570	Air Conservation Commission		38 MoReg 593	38 MoReg 1426	
10 CSR 10-6.020	Air Conservation Commission		38 MoReg 1265		
10 CSR 10-6.040	Air Conservation Commission		38 MoReg 689	This Issue	
10 CSR 10-6.060	Air Conservation Commission		38 MoReg 595	38 MoReg 1426	
10 CSR 10-6.070	Air Conservation Commission		38 MoReg 898		
10 CSR 10-6.075	Air Conservation Commission		38 MoReg 899		
10 CSR 10-6.080	Air Conservation Commission		38 MoReg 902		
10 CSR 10-6.110	Air Conservation Commission		38 MoReg 596	38 MoReg 1428	
10 CSR 10-6.130	Air Conservation Commission		38 MoReg 903		
10 CSR 10-6.161	Air Conservation Commission		38 MoReg 1297		
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 1382		
10 CSR 10-6.345	Air Conservation Commission		38 MoReg 601R	38 MoReg 1429R	
10 CSR 10-6.390	Air Conservation Commission		38 MoReg 601	38 MoReg 1429	
10 CSR 10-6.400	Air Conservation Commission		38 MoReg 603	38 MoReg 1429	
10 CSR 20-6.011	Clean Water Commission		This Issue		
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913		
10 CSR 20-7.031	Clean Water Commission		38 MoReg 939		
10 CSR 23-5.010	Division of Geology and Land Survey		38 MoReg 1101		
10 CSR 23-5.020	Division of Geology and Land Survey		38 MoReg 1101		
10 CSR 23-5.030	Division of Geology and Land Survey		38 MoReg 1102		
10 CSR 23-5.040	Division of Geology and Land Survey		38 MoReg 1102		
10 CSR 23-5.050	Division of Geology and Land Survey		38 MoReg 1103		
10 CSR 23-5.060	Division of Geology and Land Survey		38 MoReg 1105		
10 CSR 23-5.070	Division of Geology and Land Survey		38 MoReg 1105		
10 CSR 23-5.080	Division of Geology and Land Survey		38 MoReg 1106		
10 CSR 26-2.062	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1160		
10 CSR 26-2.078	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1161		
10 CSR 26-2.082	Petroleum and Hazardous Substance Storage Tanks		38 MoReg 1162		
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 1298		
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 1299		
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 1300		
10 CSR 40-8.030	Land Reclamation Commission		38 MoReg 1301		
10 CSR 40-8.040	Land Reclamation Commission		38 MoReg 1301		
10 CSR 140-2	Division of Energy				38 MoReg 432 38 MoReg 1431

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 140-5.010	Division of Energy		38 MoReg 1106R		
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 30-14.010	Office of the Director	38 MoReg 243	38 MoReg 249 38 MoReg 1486		
11 CSR 30-15.010	Office of the Director	38 MoReg 1351	38 MoReg 1391		
11 CSR 45-4.260	Missouri Gaming Commission		38 MoReg 428	38 MoReg 1240	
11 CSR 45-8.010	Missouri Gaming Commission		38 MoReg 691	This Issue	
11 CSR 45-8.060	Missouri Gaming Commission		38 MoReg 691	This Issue	
11 CSR 45-8.090	Missouri Gaming Commission		38 MoReg 692	This Issue	
11 CSR 45-8.100	Missouri Gaming Commission		38 MoReg 692	This Issue	
11 CSR 45-8.150	Missouri Gaming Commission		38 MoReg 692	This Issue	
11 CSR 45-9.106	Missouri Gaming Commission		38 MoReg 828		
11 CSR 45-9.107	Missouri Gaming Commission		38 MoReg 693	This Issue	
11 CSR 45-9.110	Missouri Gaming Commission		38 MoReg 828		
11 CSR 45-9.118	Missouri Gaming Commission		38 MoReg 828		
11 CSR 75-17.010	Peace Officer Standards and Training Program	This Issue	This Issue		
11 CSR 75-17.020	Peace Officer Standards and Training Program	This Issue	This Issue		
11 CSR 75-17.030	Peace Officer Standards and Training Program	This Issue	This Issue		
11 CSR 75-17.040	Peace Officer Standards and Training Program	This Issue	This Issue		
11 CSR 85-1.010	Veterans Affairs		38 MoReg 1163		
11 CSR 85-1.015	Veterans Affairs		38 MoReg 1163		
11 CSR 85-1.020	Veterans Affairs		38 MoReg 1164		
11 CSR 85-1.030	Veterans Affairs		38 MoReg 1164		
11 CSR 85-1.040	Veterans Affairs		38 MoReg 1165		
11 CSR 85-1.050	Veterans Affairs		38 MoReg 1165		
	DEPARTMENT OF REVENUE				
12 CSR 10-23.500	Director of Revenue	This Issue	This Issue		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 35-32.040	Children's Division		38 MoReg 829	This Issue	
13 CSR 40-2.010	Family Support Division		38 MoReg 1393		
13 CSR 40-7.010	Family Support Division		38 MoReg 1394		
13 CSR 40-7.015	Family Support Division		38 MoReg 1395		
13 CSR 40-7.020	Family Support Division		38 MoReg 1396		
13 CSR 40-7.030	Family Support Division		38 MoReg 1396		
13 CSR 40-7.040	Family Support Division		38 MoReg 1397		
13 CSR 70-10.015	MO HealthNet Division		38 MoReg 1218		
13 CSR 70-10.017	MO HealthNet Division		38 MoReg 693	38 MoReg 1429	
13 CSR 70-10.160	MO HealthNet Division	This Issue	38 MoReg 1221		
13 CSR 70-15.010	MO HealthNet Division	38 MoReg 1215	38 MoReg 1222		
13 CSR 70-15.110	MO HealthNet Division	38 MoReg 1216	38 MoReg 1226		
13 CSR 70-15.160	MO HealthNet Division		38 MoReg 1232		
	ELECTED OFFICIALS				
15 CSR 30-15.010	Secretary of State		This Issue		
15 CSR 30-15.020	Secretary of State		This Issue		
15 CSR 30-15.030	Secretary of State		38 MoReg 1486		
15 CSR 30-50.010	Secretary of State		38 MoReg 835		
15 CSR 30-50.040	Secretary of State		38 MoReg 835		
15 CSR 30-52.015	Secretary of State		38 MoReg 836		
15 CSR 30-52.030	Secretary of State		38 MoReg 836		
15 CSR 30-52.275	Secretary of State		38 MoReg 837		
15 CSR 30-54.010	Secretary of State		38 MoReg 837		
15 CSR 30-54.070	Secretary of State		38 MoReg 837		
15 CSR 30-54.150	Secretary of State		38 MoReg 838		
15 CSR 30-90.010	Secretary of State	This Issue	This Issue		
15 CSR 30-90.090	Secretary of State	This Issue	This Issue		
15 CSR 30-90.170	Secretary of State	This Issue	This Issue		
15 CSR 50-3.095	Treasurer		38 MoReg 1166		
	RETIREMENT SYSTEMS				
16 CSR 10-1.040	The Public School Retirement System of Missouri		38 MoReg 1232		
16 CSR 10-3.010	The Public School Retirement System of Missouri		38 MoReg 1233		
16 CSR 10-4.005	The Public School Retirement System of Missouri		38 MoReg 1234		
16 CSR 10-5.010	The Public School Retirement System of Missouri		38 MoReg 1235		
16 CSR 10-6.020	The Public School Retirement System of Missouri		38 MoReg 1235		
16 CSR 10-6.060	The Public School Retirement System of Missouri		38 MoReg 1237		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-1.025	Division of Community and Public Health		38 MoReg 635R 38 MoReg 635	38 MoReg 1307R 38 MoReg 1307	
19 CSR 20-1.040	Division of Community and Public Health		38 MoReg 641R 38 MoReg 641	38 MoReg 1308R 38 MoReg 1308	
19 CSR 20-1.042	Division of Community and Public Health		38 MoReg 641	38 MoReg 1308	
19 CSR 20-1.045	Division of Community and Public Health		38 MoReg 642	38 MoReg 1309	
19 CSR 20-1.100	Division of Community and Public Health		38 MoReg 642	38 MoReg 1309	
19 CSR 20-1.200	Division of Community and Public Health		38 MoReg 642	38 MoReg 1309	
19 CSR 30-20.098	Division of Regulation and Licensure		38 MoReg 1166		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-20.110	Division of Regulation and Licensure		38 MoReg 1167		
19 CSR 30-20.112	Division of Regulation and Licensure		38 MoReg 1168		
19 CSR 30-20.114	Division of Regulation and Licensure		38 MoReg 1168		
19 CSR 30-20.118	Division of Regulation and Licensure		38 MoReg 1170		
19 CSR 30-20.122	Division of Regulation and Licensure		38 MoReg 1170R		
19 CSR 30-20.124	Division of Regulation and Licensure		38 MoReg 1171		
19 CSR 30-20.142	Division of Regulation and Licensure		38 MoReg 1171		
19 CSR 30-82.070	Division of Regulation and Licensure		38 MoReg 643R	38 MoReg 1309R	
19 CSR 60-50	Missouri Health Facilties Review Committee				38 MoReg 1241 38 MoReg 1241 38 MoReg 1431 This Issue
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Applied Behavior Analysis Maximum Benefit				38 MoReg 432
20 CSR	Construction Claims Binding Arbitration Cap				38 MoReg 147
20 CSR	Sovereign Immunity Limits				38 MoReg 147
20 CSR	State Legal Expense Fund Cap				38 MoReg 147
20 CSR 400-2.160	Life, Annuities and Health		This Issue		
20 CSR 400-11.100	Life, Annuities and Health	38 MoReg 1353	38 MoReg 1397		
20 CSR 2015-1.030	Acupuncturist Advisory Committee	38 MoReg 751	38 MoReg 757	38 MoReg 1429	
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487		
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487		
20 CSR 2030-2.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 761	38 MoReg 1309	
20 CSR 2063-1.015	Behavior Analyst Advisory Board		38 MoReg 1106		
20 CSR 2063-2.005	Behavior Analyst Advisory Board		38 MoReg 1110		
20 CSR 2063-2.020	Behavior Analyst Advisory Board		38 MoReg 1110		
20 CSR 2095-1.020	Committee for Professional Counselors	38 MoReg 751	38 MoReg 765	38 MoReg 1430	
20 CSR 2145-1.040	Missouri Board of Geologist Registration		38 MoReg 1114		
20 CSR 2145-2.020	Missouri Board of Geologist Registration		38 MoReg 1116		
20 CSR 2145-2.030	Missouri Board of Geologist Registration		38 MoReg 1116		
20 CSR 2145-2.065	Missouri Board of Geologist Registration		38 MoReg 1117		
20 CSR 2145-2.080	Missouri Board of Geologist Registration		38 MoReg 1120		
20 CSR 2193-1.010	Interior Design Council		38 MoReg 1122		
20 CSR 2193-2.020	Interior Design Council		38 MoReg 1122		
20 CSR 2193-4.010	Interior Design Council		38 MoReg 1122		
20 CSR 2193-5.010	Interior Design Council		38 MoReg 1126		
20 CSR 2200-4.030	State Board of Nursing		This Issue		
20 CSR 2205-3.030	Missouri Board of Occupational Therapy		38 MoReg 1303		
20 CSR 2220-2.950	State Board of Pharmacy		38 MoReg 1237		
20 CSR 2232-1.040	Missouri State Committee of Interpreters		38 MoReg 1409		
20 CSR 2232-2.010	Missouri State Committee of Interpreters		38 MoReg 1412		
20 CSR 2232-2.020	Missouri State Committee of Interpreters		38 MoReg 1416		
20 CSR 2232-2.030	Missouri State Committee of Interpreters		38 MoReg 1420		
20 CSR 2235-1.020	State Committee of Psychologists		38 MoReg 1175		
20 CSR 2235-1.025	State Committee of Psychologists		38 MoReg 1179		
20 CSR 2235-1.026	State Committee of Psychologists		38 MoReg 1179		
20 CSR 2235-1.030	State Committee of Psychologists		38 MoReg 1179R 38 MoReg 1180		
20 CSR 2235-2.060	State Committee of Psychologists		38 MoReg 1182		
20 CSR 2235-2.065	State Committee of Psychologists		38 MoReg 1182		
20 CSR 2245-1.010	Real Estate Appraisers		38 MoReg 1303		
20 CSR 2245-3.005	Real Estate Appraisers		38 MoReg 1304		
20 CSR 2245-3.010	Real Estate Appraisers		38 MoReg 1304		
20 CSR 2245-6.040	Real Estate Appraisers		38 MoReg 1305		
20 CSR 2245-8.010	Real Estate Appraisers		38 MoReg 1305		
20 CSR 2245-8.030	Real Estate Appraisers		38 MoReg 1306		
	MISSOURI CONSOLIDATED HEALTH CARE PLAN				
22 CSR 10-2.094	Health Care Plan	This Issue	This Issue		
22 CSR 10-2.120	Health Care Plan	This Issue	This Issue		
22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R		
22 CSR 10-3.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1423R		

Agency		Publication	Effective	Expiration
Department of Transportation				
Traffic and Highway Safety Division				
7 CSR 60-2.010	Definitions	Next Issue	Oct. 1, 2013	March 29, 2014
7 CSR 60-2.020	Approval Procedure	Next Issue	Oct. 1, 2013	March 29, 2014
7 CSR 60-2.030	Standards and Specifications	Next Issue	Oct. 1, 2013	March 29, 2014
7 CSR 60-2.040	Responsibilities of Authorized Service Providers	Next Issue	Oct. 1, 2013	March 29, 2014
7 CSR 60-2.050	Breath Alcohol Ignition Interlock Devise Security	Next Issue	Oct. 1, 2013	March 29, 2014
Department of Labor and Industrial Relations				
Division of Employment Security				
8 CSR 10-3.150	Fraud Penalties on Federal and State Benefits	This Issue	Oct. 1, 2013	March 29, 2014
8 CSR 10-4.210	Prohibition on the Non-Charging Benefits	This Issue	Oct. 1, 2013	March 29, 2014
Department of Public Safety				
Office of the Director				
11 CSR 30-15.010	Format for Concealed Carry Permits	38 MoReg 1351	Aug. 28, 2013	Feb. 27, 2014
Peace Officer Standards and Training Program				
11 CSR 75-17.010	Minimum Training Standards for School Protection Officer Training Centers	This Issue	Sept. 2, 2013	Feb. 28, 2014
11 CSR 75-17.020	Minimum Training Standards for School Protection Officer Training Instructors	This Issue	Sept. 2, 2013	Feb. 28, 2014
11 CSR 75-17.030	Minimum Training Standards for School Protection Officers	This Issue	Sept. 2, 2013	Feb. 28, 2014
11 CSR 75-17.040	Minimum Continuing Education Training Standards for School Protection Officers	This Issue	Sept. 2, 2013	Feb. 28, 2014
Department of Revenue				
Director of Revenue				
12 CSR 10-23.500	Optional Second Plate for Commercial Motor Vehicles	This Issue	Aug. 29, 2013	Feb. 27, 2014
Department of Social Services				
Family Support Division				
13 CSR 40-100.040	State Directory of New Hires	Next Issue	Sept. 26, 2013	March 24, 2014
MO HealthNet Division				
13 CSR 70-10.160	Public/Private Long-Term Care Services and Supports Partnership Supplemental Payment to Nursing Facilities	This Issue	Sept. 7, 2013	March 5, 2014
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	38 MoReg 1215	July 1, 2013	Dec. 28, 2013
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	38 MoReg 1216	July 1, 2013	Dec. 28, 2013
Elected Officials				
Secretary of State				
15 CSR 30-90.010	Definitions	This Issue	Aug. 28, 2013	Feb. 27, 2014
15 CSR 30-90.090	Refusal to File; Cancellation; Defects in Filing	This Issue	Aug. 28, 2013	Feb. 27, 2014
15 CSR 30-90.170	Status of Parties upon Filing an Information Statement	This Issue	Aug. 28, 2013	Feb. 27, 2014
Department of Health and Senior Services				
State Public Health Laboratory				
19 CSR 25-30.031	Type II Permits	Next Issue	Sept. 15, 2013	March 13, 2014
19 CSR 25-30.050	Approved Breath Analyzers	Next Issue	Sept. 15, 2013	March 13, 2014
19 CSR 25-30.060	Operating Procedures for Breath Analyzers	Next Issue	Sept. 15, 2013	March 13, 2014

Agency	Publication	Effective	Expiration
Department of Insurance, Financial Institutions and Professional Registration			
Life, Annuities and Health			
20 CSR 400-11.100 Navigator Examination and Licensing Procedures and Standards	38 MoReg 1353	Aug. 3, 2013	Jan. 29, 2014
20 CSR 400-11.120 Continuing Education for Individual Navigators	Nov. 1, 2013 Issue	Sept. 30, 2013	March 28, 2014
20 CSR 400-12.100 Missouri Health Insurance Pool Transitional Plan of Operation	Nov. 1, 2013 Issue	Sept. 30, 2013	March 28, 2014
Missouri State Board of Accountancy			
20 CSR 2010-2.160 Fees	38 MoReg 1159	June 28, 2013	Feb. 27, 2014
Acupuncturist Advisory Committee			
20 CSR 2015-1.030 Fees	38 MoReg 751	April 18, 2013	Jan. 28, 2014
Committee for Professional Counselors			
20 CSR 2095-1.020 Fees	38 MoReg 751	April 18, 2013	Jan. 28, 2014
Missouri Consolidated Health Care Plan			
Health Care Plan			
22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations	This Issue	Oct. 1, 2013	March 29, 2014
22 CSR 10-2.120 Wellness Program	This Issue	Oct. 1, 2013	March 29, 2014
22 CSR 10-2.130 Additional Plan Options	38 MoReg 1359	July 26, 2013	Jan. 21, 2014
22 CSR 10-3.130 Additional Plan Options	38 MoReg 1359	July 26, 2013	Jan. 21, 2014

Executive Orders	Subject Matter	Filed Date	Publication
	2013		
13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461
	2012		
12-12	Reauthorizes the Governor's Committee to End Chronic Homelessness until December 31, 2016.	Dec. 31, 2012	38 MoReg 246
12-11	Advises that state offices located in Cole County will be closed on Monday, January 14, 2013, for the inauguration.	Dec. 20, 2012	38 MoReg 245
12-10	Advises that state offices will be closed on Friday November 23, 2012.	Nov. 2, 2012	37 MoReg 1639
12-09	Extends Executive Order 12-08 in order to extend the deadline for completion of approved projects under the Emergency Cost-Share Program and establishes a Program Audit and Compliance Team to inspect a sample of completed projects. It also extends Executive Order 12-07 until Nov. 15, 2012.	Sept. 10, 2012	37 MoReg 1519
12-08	Authorizes the State Soil and Water Districts Commission to implement an emergency cost-share program to address water challenges to landowners engaged in livestock or crop production due to the current drought. Additionally, it establishes the Agriculture Water Resource Technical Review Team.	July 23, 2012	37 MoReg 1294
12-07	Declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to the severe heat, dry conditions, and fire risks affecting the state.	July 23, 2012	37 MoReg 1292
12-06	Activates the Missouri State Emergency Operations Center and directs the State Emergency Management Agency, State Fire Marshall, Adjutant General, and such other agencies to coordinate with local authorities affected by fire danger due to the prolonged period of record heat and low precipitation.	June 29, 2012	37 MoReg 1139
12-05	Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012.	March 13, 2012	37 MoReg 569

Executive Orders	Subject Matter	Filed Date	Publication
12-04	Activates the state militia in response to severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 503
12-03	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 501
12-02	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly.	Jan. 23, 2012	37 MoReg 313
12-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 23, 2012	37 MoReg 311

The rule number and the MoReg publication date follow each entry to this index.

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The new transmittal form and certification letter have been updated to include the name of Secretary of State Jason Kander.

Please use these new forms for filing rulemakings.